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INDEX

TO THE

ACTS PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

IN THE YEAR 1856.

TITLES OF ACTS FOR 1856.

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" II, to enable Magistrates and certain other Officers to take cognizance of certain offences without requiring a written complaint.

" III, to amend Act No. XI of 1849 and Act No. XIX of 1852.

" IV, to prevent the malicious or wanton destruction of Cattle.

" V, to give effect to Act XXIII of 1854 from the time of its promulgation in the District of Malabar, and to extend the application thereof in future.

" VI, for granting exclusive privileges to Inventors.

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Repealed, Act No. 4 1866

ACT No. I OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 21st January 1856.)

AN ACT *to prevent the Sale or Exposure of obscene Books and Pictures.*

Preamble.

WHEREAS the practice of offering for sale or exposing to public view obscene books and pictures encourages immorality, and it is expedient to make provision for the prevention of such practice: It is enacted as follows:—

Penalty for the sale or exposure of obscene books, pictures, &c.

I. Whoever, within the territories in the possession and under the Government of the East India Company, in any shop, bazar, street, thoroughfare, high-road, or other place of public resort, distributes, sells, or offers, or exposes for sale, or wilfully exhibits to public view, any obscene book, paper, print, drawing, painting, or representation; or sings, recites, or utters any obscene song, ballad, or words, to the annoyance of others; shall, upon conviction, as hereinafter provided, before a Magistrate, be liable to a fine not exceeding 100 rupees, or to imprisonment, with or without hard labor, for a period not exceeding three months, or to both.

Apprehension of offenders.

II. It shall be lawful for any person whatsoever to apprehend any person found committing any of the above-named offences, and forthwith to deliver him to a Police Officer of the place where he shall have been apprehended, to be taken before any Magistrate having jurisdiction in such place; and it shall be the duty of every Police Officer to use his best endeavours to apprehend and to convey before a Magistrate any person that he shall find so offending, together with such obscene

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obscene books, papers, prints, drawings, paintings, and representations, as may be found with such person.

Mode of procedure by Magistrate.

III. Upon information given or charge preferred, upon oath or solemn affirmation, a Magistrate, within whose jurisdiction the offence may have been committed, may issue a summons for the appearance, or a warrant for the apprehension, of any person accused of any of the offences enumerated in Section I, and such Magistrate shall proceed under the rules of the general law to hear and determine the case. Provided that it shall not be necessary to require the presentation of a complaint in writing, nor to require the attendance of any complainant, any thing contained in Section VI Regulation IX of 1807 of the Bengal Code, or in Section XV of Regulation IX of 1816 of the Madras Code, or any other law, to the contrary notwithstanding.

Magistrate required to seize and destroy obscene books, &c.

IV. Every Magistrate is required to destroy, or cause to be destroyed, all such obscene books, papers, prints, drawings, paintings, or representations as may come within his power or control.

Importation of obscene books, pictures, &c., prohibited.

V. After the passing of this Act, it shall not be lawful for any person to import into any part of the aforesaid territories any obscene book, print, or picture; and every such book, print, or picture shall be forfeited and shall be seized by any Officer of Customs, and the same shall be destroyed by such Officer.

Appeal from orders or sentences passed under this Act.

VI. All orders or sentences passed under this Act shall be appealable in the usual manner under the Regulations and Laws that are or may be in force relating to appeals from the orders of Magistrates or other Officers exercising the powers of a Magistrate.

Act not to apply to representations in temples, &c.

VII. Nothing contained in this Act shall apply to any representation sculptured, engraved, or painted, on or in any temple, or on any car used for the conveyance of idols.

VIII. No

VIII. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

Conviction to be quashed on merits only. Form of conviction, &c.

IX. The following words in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

Interpretation.

The word "Magistrate" shall include Joint Magistrates and persons lawfully exercising the powers of a Magistrate and Justices of the Peace.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

ACT No. II of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 4th February 1856.)

AN ACT *to enable Magistrates and certain other Officers to take cognizance of certain offences without requiringa written complaint.*

Preamble.

WHEREAS it is expedient to enable Magistrates and certain other Officers to take cognizance of all offences which affect the public, without requiring a complaint in writing or the attendance of a complainant: It is enacted as follows:—

Laws repealed.

I. So much of Section V Regulation IX. 1793, of Section V Regulation VI. 1803, of Section VI Regulation IX. 1807, of the Bengal Code, and so much of Section XV Regulation IX. 1816 of the Madras Code, and so much of any other enactment, as require a complaint in writing to be preferred to a Magistrate, or the attendance of a complainant, shall not apply to any offence which affects the public.

Magistrate may take cognizance of offences affecting the public on information sworn, &c.

II. A Magistrate or other Officer having jurisdiction over such offence may, on the information of a Police Officer or other person, to be given on oath or affirmation, or on his own personal knowledge, (having first recorded the grounds thereof in his own hand-writing), proceed against any person for such offence, in the same manner as if a complaint in writing had been preferred and duly deposed to.

Appeal.

III. All proceedings under this Act shall be subject to the like appeal as other proceedings of such Magistrates and Officers.

ACT No. III of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 8th February 1856.)

AN ACT *to amend Act No. XI of* 1849 *and Act No. XIX of* 1852.

Preamble.

WHEREAS the office of Commissioner for the superintendence of the Abkaree Revenue, heretofore existing under Act No. XXV of 1840, has been abolished, and it is expedient to make provision for the exercise of the powers and duties vested by Act No. XI of 1849 in the Commissioner of Abkaree; and whereas it is also expedient to declare the powers of Abkaree officers to make arrests in certain cases: It is enacted as follows:—

Powers and duties of Commissioner of Abkaree vested in Commissioner of Revenue.

I. The Commissioner of Revenue of the Division within which the Town of Calcutta is or may be situated, shall possess the powers and perform the duties vested by Act No. XI of 1849 in the Commissioner of Abkaree.

Abkaree officers empowered to make arrests in certain cases.

II. Whenever an Abkaree officer shall, under Section XIX Act XI of 1849 or Section XIX Act XIX of 1852, seize any spirituous or fermented liquors or intoxicating drugs, as liable to confiscation, he may also arrest the person in whose possession such liquors or drugs may be found; and all the provisions of the aforesaid Acts relative to arrests shall be applicable to arrests made under this Act.

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ACT No. IV of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 8th February 1856.)

AN ACT *to prevent the malicious or wanton destruction of Cattle.*

Preamble.

WHEREAS it is expedient to make provision for the apprehension and punishment of persons who maliciously or wantonly destroy cattle: It is enacted as follows:—

Malicious or wanton destruction of Cattle to be proceeded against under Regulation XX. 1817 as a heinous offence.

I. Within the territories under the Presidency of Fort William in Bengal, whoever is charged with maliciously or wantonly causing the death of any cattle, the property of another, may be proceeded against in the mode prescribed in Section XXV Regulation XX. 1817 of the Bengal Code, for proceeding against persons charged with a heinous offence, and shall, on conviction before a Magistrate or other officer exercising the powers of a Magistrate, be liable to imprisonment with hard labor for any period not exceeding three years, or, at the discretion of the said Magistrate, may be committed for trial before the Sessions Judge, and, on conviction, shall be liable to imprisonment with hard labor for any period not exceeding nine years

Punishment.

Provisions of Act XVI. 1850 applicable.

II. The provisions of Act XVI of 1850 shall be applicable to persons convicted of offences under this Act.

ACT No. V of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 22nd February 1856.)

AN ACT *to give effect to Act XXIII of* 1854 *from the time of its promulgation in the District of Malabar, and to extend the application thereof in future.*

Preamble.

WHEREAS, by a proclamation published in the *Fort St. George Gazette* under date the 18th September 1855, the Governor in Council of Fort St. George declared the whole of the District of Malabar to be subject to the operation of all the provisions of Act XXIII of 1854 ; and whereas long prior to such publication, namely before the 1st of March 1855, the said Act had been published and promulgated throughout the District of Malabar, and was believed by the class of persons therein described as Moplas, and by all other classes of the inhabitants, to be immediately operative ; and it is expedient that the said Act should have effect according to the general belief and understanding in that respect ; and whereas it is expedient to extend the application of the said Act : it is hereby enacted as follows :—

Act XXIII of 1854 to be deemed to have been in force from the 1st of March 1855.

I. Act XXIII of 1854 shall be deemed to have been in force for all purposes from the 1st March 1855, in the same manner as if the said proclamation had been published on that date.

Provisions of Act XXIII of 1854 extended to all murders, &c. committed by Moplas.

II. From and after the passing of this Act, the provisions of Act XXIII of 1854 shall apply to any Mopla who murders or attempts to murder any person ; and to any Mopla who takes part in any outrage directed by Moplas against any person, wherein murder is committed or attempted to be committed or is likely to be committed, and to any person who

who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same, or who, after having committed or having been accessary to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him, or who shall join or assist, or incite or encourage other persons to join or assist in such resistance.

Construction of Act.

III. The said Act XXIII of 1854 and this Act shall be read and construed together as one Act.

ACT No. VI of 1856.

Passed by the Legislative Council of India.

(Received the assent of the Governor General on the 28th February 1856.)

An Act *for granting exclusive privileges to Inventors.*

Preamble.

Whereas it is expedient, for the encouragement of Inventors of new manufactures, that certain exclusive privileges in their inventions should be granted to them in India; It is enacted as follows:—

Inventor may petition for leave to file specification.

Form, &c., of petition.

I. The inventor of any new manufacture may petition the Governor General of India in Council for leave to file a specification thereof. Every such petition shall be in writing in the form or to the effect mentioned in the Schedule hereunto annexed, and shall be signed by the petitioner, or, in case the petitioner shall be absent from India, by an authorized agent, and shall state the name, addition, and place of residence of the petitioner, and the nature of the invention.

Order to file specification.

II. Upon such petition, the Governor General of India in Council may make an order authorizing the petitioner to file a specification of the invention.

Power to refer petition for enquiry and report.

III. Before making such order, the Governor General of India in Council may refer the petition to any person or persons for enquiry and report, and such person or persons shall be entitled to a reasonable fee for such enquiry and report to be

be paid by the petitioner ; the amount of such fee, in case of dispute, to be settled by a Judge of one of Her Majesty's Courts of Judicature in a summary manner.

Petitioner entitled to exclusive privilege for 14 years from the time of filing specification.

IV. If, within the space of six calendar months from the date of such order, the petitioner cause a specification of his invention to be filed in manner hereinafter-mentioned, the petitioner, his executors, administrators, or assigns, shall be entitled to the sole and exclusive privilege of making, selling, and using the said invention in India, and of authorizing others so to do for the term of 14 years from the time of filing such specification and for such further term, if any, not exceeding 14 years from the expiration of the first 14 years, as the Governor General of India in Council may think fit to direct, upon petition to be presented by such inventor, at any period not more than one year, and not less than six calendar months, before the expiration of the exclusive privilege hereby granted.

Extension of term of exclusive privilege.

Order to file specification may be made subject to condition.

V. An order authorizing the filing of a specification, or for extending the term of such exclusive privilege as aforesaid, may be made subject to any such conditions and restrictions as the Governor General of India in Council may think expedient.

Specification to be in writing and to describe the invention.

VI. Every specification of an invention filed under this Act, shall be in writing, and shall be signed by the petitioner, and shall particularly describe and ascertain the nature of the said invention and in what manner the same is to be performed.

Petition and specification to be left with Secretary to Government.

VII. Every petition for leave to file a specification and every specification filed under this Act shall be left with the Secretary to the Government of India in the Home Department, and every petition and specification shall be accompanied by a declaration in writing signed by the petitioner in the form or to the effect mentioned in the Schedule hereunto annexed, marked A and B respectively ; and if the inventor be absent from India, the petition and specification shall also be accompanied

Petition, &c. to be accompanied by declaration.

accompanied by a declaration signed by the agent who shall present or file the same, to the effect that he verily believes that the declaration purporting to be the declaration of the inventor, was signed by him, and that the contents thereof are true, which declaration shall be in the form hereunto annexed, marked C. The date of the delivery of every such petition and specification shall be endorsed on the same respectively and shall also be recorded at the office of the said Secretary.

Date of delivery to be endorsed on petition.

VIII. If any person, who shall make a declaration under this Act, shall wilfully and corruptly make any false statement therein, he shall be deemed guilty of perjury, and shall be proceeded against and upon conviction punished accordingly.

False statement in declaration punishable as perjury.

IX. No specification shall be filed until the petitioner shall have paid all fees payable under this Act, including the fees, if any, of the person or persons to whom the petition shall have been referred for inquiry and report.

Specification not to be filed before payment of fees.

X. At the time of delivering the specification for the purpose of being filed, the petitioner shall cause to be delivered to the said Secretary five copies thereof, of which

Copies of specification to be delivered and distributed.

One shall be sent to and filed by one of the Secretaries to the Government of Bengal,

One shall be sent to and filed by one of the Secretaries to the Government of Fort St. George,

One shall be sent to and filed by one of the Secretaries to the Government of Bombay, and

One shall be sent to and filed by one of the Secretaries to the Government of the North-Western Provinces.

A copy of such specification shall be open at all reasonable times at the office of each of the said Secretaries to public inspection upon payment of a fee of one rupee.

To be open to inspection.

XI. A

Book for the registry of petitions, specifications, &c.

XI. A book shall be kept in the office of the said Secretary to the Government of India wherein shall be entered and recorded every such petition and specification and every order made upon such petition or relating to the invention therein mentioned. Every specification shall be numbered according to the order in which it is entered in such book; and a reference shall be made in such book, in the margin of the entry of each specification, to every order relating to the invention.

Inspection of registry book.

Certified copy of entry to be given.

XII. Such book, or a copy thereof, shall be open at all convenient times for the inspection of any person upon payment of a fee of one rupee; and the said Secretary shall cause a copy of any entry therein, certified under his hand, to be given to any person requiring the same, on payment of the expense of copying.

Certified copy to be *primâ facie* evidence.

XIII. Every such certified copy shall be *primâ facie* evidence of the document of which it purports to be a copy.

No person entitled to exclusive privilege in any of the following cases.

XIV. No person shall be entitled to any exclusive privilege under the provisions of this Act—

If invention not new.

If the invention, at the time of presenting the petition for leave to file the specification, was not a new invention.

If petitioner is not inventor, or

If the petitioner is not the inventor thereof, or

If specification does not describe the invention.

If the specification filed does not particularly describe and ascertain the nature of the invention and in what manner the same is to be performed.

Exclusive privilege to cease if Government declare it mischievous, &c., to public.

XV. Every exclusive privilege under this Act shall cease if the Governor General of India in Council shall declare that the same, or the mode in which it is exercised, is mischievous to the State, or generally prejudicial to the public; or if a breach

breach of any special condition on which the petitioner shall be authorized to file a specification, or upon which the term of the exclusive privilege shall be extended, shall be proved to the satisfaction of any of Her Majesty's Courts of Judicature, and if the Governor General of India shall thereupon declare that such exclusive privilege shall cease.

Or if Government, upon breach of condition proved, declare that it shall cease.

XVI. The importer into India of a new invention shall be deemed an inventor within the meaning of this Act. Provided that the exclusive privilege under this Act shall cease unless he or his executors, administrators, or assigns shall, within two years from the date of the petition, put his invention into practice in India, and shall either continue to use the same or grant licenses upon reasonable terms to such persons as shall be willing to put the same into practice.

Importer of invention to be deemed an inventor.

His privilege to cease unless invention be put into practice in India within two years.

XVII. A foreigner, whether resident abroad or not, may petition for leave to file a specification under this Act.

Foreign inventor.

XVIII. An invention shall be deemed a new invention within the meaning of this Act, if it shall not, before the time of applying for leave to file the specification, have been publicly used in India or been made publicly known there by means of a printed publication. The public use or knowlege of an invention prior to the application for leave to file a specification, shall not be deemed a public use or knowlege within the meaning of this Section if the knowledge shall have been obtained surreptitiously or in fraud of the actual inventor or shall have been communicated to the public in fraud of the actual inventor or in breach of confidence. Provided the inventor shall, within six calendar months after the commencement of such public use, apply for leave to file his specification and shall not previously have acquiesced in such public use. Provided also, that the use of an invention in public by the actual inventor thereof, or by his servants or agents, or by any other

An invention not publicly used or known in India before the application for leave to file a specification, to be deemed a new invention within this Act.

Knowledge of invention fraudulently acquired.

Proviso.

Public use by actual inventor.

other person by his license in writing, shall not be deemed a public use thereof within the meaning of this Act.

Actual inventor having obtained English Letters Patent to petition within 12 months from the passing of this Act, or within 6 months from the date of the Letters Patent.

XIX. If an actual inventor who, prior to the time of applying for leave to file a specification of an invention under this Act, shall have obtained Her Majesty's Letters Patent for the exclusive use of such invention, in any part of the United Kingdom, shall, within twelve calendar months from the passing of this Act, or within six calendar months from the date of such Letters Patent, petition the Governor General of India in Council for leave to file a specification of such invention, the invention shall be deemed a new invention within the meaning of this Act, if it was not publicly known or used in India at the date of the petition for such Letters Patent, notwithstanding it may have been publicly known or used in India before the time of his petitioning under this Act, for leave to file the specification; and if the actual inventor shall obtain an exclusive privilege under this Act, in respect of such invention, any exclusive privilege previously obtained by an importer of such invention shall thereupon cease. Provided the petition for leave to file the specification shall state that such Letters Patent have been granted, and shall also state the date thereof and the term during which the same are to continue in force.

Invention if not publicly known or used in India at the time of applying for such Letters Patent, to be deemed new.

If actual inventor obtain an exclusive privilege, any privilege obtained by an importer shall cease.

What to be stated in such petition.

Saving of rights of persons who used invention before 7th of July 1855.

XX. No exclusive privilege obtained under this Act shall entitle the owner of such privilege to exclude any person from using the invention, who, prior to the 7th day of July 1855, used the same in India.

Action for infringement.

XXI. An action may be maintained by an inventor against any person who, during the continuance of any exclusive privilege granted by this Act, shall, without the license of the said inventor, make, use, sell, or put in practice the said invention, or who shall counterfeit or imitate the same. Provided that no such action shall be maintained in any of the Courts of the East India Company other than

than the principal Court of original jurisdiction in civil cases within the local limits of whose jurisdiction the cause of action shall accrue or the defendant shall reside as a fixed inhabitant.

Defect in specification or petition, or want of novelty in invention, &c., no defence to action for infringement.

XXII. No such action shall be defended upon the ground of any defect or insufficiency of the specification of the invention, nor shall any such action be defended upon the ground of a misdescription of the invention in the petition; nor upon the ground that the Plaintiff was not the inventor, unless the defendant shall show that he is the actual inventor or derives title from him. Any such action may be defended upon the ground that the invention was not new, if the person making the defence, or some person through whom he claims, shall, before the date of the petition for leave to file the specification, have publicly or actually used in India the invention, or that part of it of which the infringement shall be proved; but not otherwise.

The actual use of an invention in India before date of petition, a defence to such action.

Application to Supreme Courts to declare exclusive privilege not to have been acquired on following grounds—

XXIII. It shall be lawful for any person to apply by motion to any of Her Majesty's Courts of judicature for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention has not been acquired under the provisions of this Act by reason of all or any of the objections following (to be specified in the rule), that is to say—

Invention not new.

That the said invention was not, at the time of presenting the petition for leave to file the specification, a new invention, or

Petitioner not the inventor, &c.

That the petitioner was not the inventor thereof, and, in addition thereto, either that the applicant was the inventor or that the inventor has dedicated or made known the invention to the public or has acquiesced in the public use thereof, or

Invention not described in specification.

That the specification filed does not particularly describe and ascertain the nature of the invention or in what manner the same is to be performed, or

That

That the petitioner has fraudulently included in the petition or specification as part of his invention something which was not new or whereof he was not the inventor, or

Fraud in petition or specification.

That the petitioner has wilfully made a false statement in his petition, or

False statement in petition.

That some part of the invention, or the manner in which that part is to be performed as described in the said specification, is not thereby sufficiently described and ascertained, and that such defect or insufficiency was fraudulent, and is injurious to the public.

Fradulent misdescription of part of invention in specification.

XXIV. Any person may, in like manner, apply to any of Her Majesty's Courts of Judicature for a rule to show cause why the Court should not declare that an exclusive privilege has not been acquired under the provisions of this Act in any part of the invention to be specified in the rule by reason of all or any of the objections following (to be specified in the rule,) that is to say—

Like application as to part of an invention.

That such part of the invention was not new at the date of the petition for leave to file the specification.

That the petitioner was not the inventor of that part of the invention, and, in addition thereto, either that the applicant was the inventor of that part or that the inventor has dedicated or made known the same to the public or has acquiesced in the public use thereof, or

That that part of the invention, and the manner in which it is to be performed, is not sufficiently described and ascertained in the specification, and that such defect or insufficiency is injurious to the public.

XXV. It shall be lawful for the Advocate General of the East India Company at any of the Presidencies of Fort William in Bengal, Fort St. George, and Bombay, or any other person, by order of the Governor General in Council, to apply to any of the said Courts of Judicature for a rule calling upon the

Application by Advocate General, on breach of special condition.

the petitioner, his executors, administrators, or assigns, to show cause why the question of the breach of any special condition upon which the leave to file a specification has been granted, or any other question of fact on which the revocation of the exclusive privilege by the Governor General in Council under the power hereinbefore reserved may, in the judgment of the said Governor General in Council, depend, should not be tried in the form of an issue directed by the said Court; and if the rule be made absolute, the Court, unless the breach or other matter of fact be admitted, may thereupon direct such issue to be tried, and certify the result of such trial to the Governor General in Council. The costs of such trial, and also the costs of any proceedings in any of the said Courts of Judicature under the provisions of this Act, shall be in the discretion of the Court.

Service of proceedings on all persons interested.

XXVI. Notice of any rule obtained or proceeding taken under either of the last three preceding Sections shall be served on all persons appearing to be proprietors or to have shares or interests in the exclusive privilege under the provisions of Section XXXIV of this Act, and it shall not be necessary to serve such notice on any other persons.

Supreme Court may direct issue for trial to other Courts.

XXVII. Any of the said Courts of Judicature, if it think fit, may direct an issue for the trial, before the same Court or any other Court of Her Majesty or any principal Court of original jurisdiction in civil cases of the East India Company, of any question of fact arising upon an application under Section XXIII, XXIV, or XXV of this Act, and such issue shall be tried accordingly, in a summary manner and, if the issue be directed to another Court, the finding shall be certified, by the Court before which the same was tried, to the Court directing the issue. If the issue be directed to any of Her Majesty's Courts of Judicature, the Court by which the issue is tried may, before the finding is certified, direct a new trial of such issue according to the usual course and practice of such Court. If the issue be directed to a Court of the East India Company, the finding shall not be subject to appeal to any other Court of the said Company, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge, shall be transmitted, together with any remarks he may think fit to make thereon, to the Court

New trial.

Court by which the issue was directed; and such Court may either act upon the decision of the Court which tried the issue, or direct a new trial if it shall appear necessary.

Judgment.

XXVIII. If it shall appear to any of the said Courts of Judicature at the hearing of any application under the provisions of Section XXIII or XXIV of this Act that, by reason of any of the objections therein mentioned, the said exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall give judgment accordingly, and shall make such order as to the costs of and consequent upon the application as it may think just; and thereupon the petitioner, his executors, administrators, and assigns, shall, so long as the judgment continues in force, cease to be entitled to such exclusive privilege.

Costs.

Amendment of specification.

XXIX. If the Court, at the hearing of any such application as last aforesaid, shall think that the petitioner has, in the description of his invention in the petition or specification, included something which at the date of the petition was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect, or insufficiency was not fraudulently intended, the Court may adjudge the said exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by such error, defect, or insufficiency, or, if the Court shall think that the error, defect, or insufficiency can be amended without injury to the public, they may adjudge the exclusive privilege in the whole of the invention to be valid, and may, upon such terms as shall appear reasonable, order the specification to be amended in any of the said particulars; and thereupon the petitioner, his executors, administrators, or assigns, shall, within the time limited by the said Court for the purpose, file a specification amended according to such order.

Misdescription in the petition, if not fraudulent, not to defeat the privilege.

XXX. An exclusive privilege shall not be defeated upon the ground that there is any misdescription of the invention in the petition, unless such misdescription was fraudulent.

XXXI. Whenever

Entry in registry book of judgment, &c. declaring privilege not to have been acquired.

XXXI. Whenever it shall be adjudged by any of the said Courts of Judicature that an exclusive privilege as to the whole or any part of an invention has not been acquired, the said Secretary to the Government of India shall, upon the production of the judgment or order, cause an entry thereof to be made in the said book, hereinbefore directed to be kept, and shall cause a reference to such entry to be made in the margin of the entry of the specification contained in such book.

In what case actual inventor entitled to assignment of an exclusive privilege fraudulently obtained.

XXXII. If, upon proceedings instituted within two years from the date of a petition to file a specification, the actual inventor shall prove to the satisfaction of any of Her Majesty's Courts of Judicature or of the principal Court of the East India Company having jurisdiction in Civil cases within the local limits of whose jurisdiction the Defendant shall reside as a fixed inhabitant, that the petitioner was not the actual inventor and that, at the time of the petition, he knew or had good reason to believe that the knowledge of the invention was obtained by himself or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived such knowledge, the Court may compel the petitioner to assign to the actual inventor any exclusive privilege obtained under this Act and to account for and pay over the profits thereof.

Particulars to be delivered.

XXXIII. In any action for the infringement of such exclusive privilege the Plaintiff shall deliver with his plaint particulars of the breaches complained of in the said action, and the Defendant, in pleading thereto, shall deliver with his pleas particulars of the grounds (if any) upon which he means to contend that the Plaintiff is not entitled to an exclusive privilege in the invention. In like manner, upon any application to any of the said Courts of Judicature under Section XXIII, XXIV, or XXV of this Act, the applicant shall deliver particulars of the objections on which he means to rely. At the trial of any such action or issue no evidence shall be allowed to be given in support of any alleged infringement or of any objection impeaching the validity of such exclusive privilege which shall not be contained in the particulars delivered as aforesaid.

said. If it be alleged that the invention was publicly known or used prior to the date of the petition for leave to file such specification, the places where and the manner in which the invention was so publicly known or used shall be stated in such particulars. Provided, always, that it shall be lawful for any Court in which the action or proceeding is pending, or in which the issue is tried, to allow the Plaintiff or Defendant respectively to amend the particulars delivered as aforesaid upon such terms as shall seem fit.

Service of proceedings.

XXXIV. A book shall be kept in the Office of the Secretary to the Government of India in the Home Department (such book to be open to inspection without fee) wherein every person filing a specification under this Act shall cause to be stated, under a number corresponding with the number of the specification, some place in India where service of any rule or proceedings for the purpose of cancelling or revoking his exclusive privilege may be made. All persons, partnerships, or Companies from time to time being proprietors of, or having shares or interests in, such exclusive privilege, shall cause to be entered in such book, under such number as aforesaid, their names, together with the name of some place for the service of such proceedings as aforesaid. All such rules and proceedings as aforesaid shall be deemed sufficiently served on any such person, partnership, or Company if a copy thereof be left at the place entered in such book, or (if any other place be substituted for the same by entry in the said book) at the place last substituted, by delivering the same to any person resident at, or in charge of, such place; or, if there be no person resident at, or in charge of, such place, or if such place be not within the local limits of the jurisdiction of the Court, by causing such rule or proceeding to be sent by Post by a registered letter directed to such person, partnership, or Company at such place; and if any such person, partnership, or Company shall neglect to make or cause to be made such entry, then service of such rule or proceeding may be effected by affixing a copy thereof to some conspicuous part of the Court House or in such other manner as the Court may direct.

Nothing in this Act to affect Prerogative of Crown.

XXXV. Nothing herein contained shall abridge or affect the Prerogative of the Crown in relation to the granting or withholding the grant of any Letters Patent for inventions or otherwise, or affect or interfere with any Letters Patent

tent for an invention heretofore granted or hereafter to be granted by the Crown.

Stamp on petition.

XXXVI. Every petition for leave to file a specification under the provisions of this Act, or for the extension of the term of an exclusive privilege, shall be written or printed on stamped paper of the value of 100 rupees.

Interpretation.

XXXVII. In the construction of this Act, the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "invention" shall include an improvement.

The word "manufacture" shall be deemed to include any art, process, or manner of producing, preparing, or making an article, and also any article prepared or produced by manufacture.

The word "inventor" when not used in conjunction with the word "actual," shall include the importer of an invention not publicly known or used in India.

The words "inventor" and "actual inventor" shall include the executors, administrators, or assigns of an inventor or actual inventor as the case may be.

The word "assigns" shall include grantees of the sole use or benefit in India of an invention, or of the sole use of an exclusive privilege for a limited time.

The word "India" shall mean the territories for the time being in the possession and under the Government of the East India Company.

The

The words "Governor General in Council" shall include the "President in Council."

The words "Secretary to the Government of India" shall include any Under-Secretary to the said Government.

FORM OF PETITION.

To the Governor General of India in Council.

The petition of *(here insert name, addition, and place of residence)* for leave to file a specification under Act No. VI of 1856.

Sheweth,

That your petitioner is in possession of an invention for *(state the title of the invention,)* which invention he believes will be of public utility; that he is the inventor thereof *(or, as the case may be, the assignee or the executor or administrator of the inventor)*; and that the same is not publicly known or used in India to the best of his knowledge and belief *(or, as the case may be, that he is the first importer into India of the said invention, and that the same is not publicly known or used in India.)*

(If Letters Patent have been obtained for the invention, state according to the requirements of Section XIX.)

The following is a description of the invention *(here describe it.)*

Your petitioner therefore prays for leave to file a specification of the said invention pursuant to the provisions of Act No. VI of 1856.

And your petitioner, &c.

(Signed)

The day of

FORMS OF DECLARATION.

A.

I *(here insert name, addition, and place of residence)* do solemnly and sincerely declare that I am in possession of an invention for *(state the title of*

f the invention as in the petition); that I believe the said invention will be f public utility; that I am the inventor thereof *(or, as the case may be, the ssignee or executor or administrator of the inventor) (or that I am the first nporter of the said invention into India)*; and that the same is not publicly nown or used in India to the best of my knowledge and belief; and that, the best of my knowledge and belief, my said invention is truly described my petition for leave to file a specification thereof.

The day of

(Signed)

B.

I *(here insert name, addition, and place of residence)* do solemnly and ncerely declare that I am in possession of an invention for *(state the nature the invention)*, which invention I believe will be of public utility; that I n the inventor thereof *(or, as the case may be, the assignee or executor or administrator of the inventor), (or that I am the first importer of the said invention into India)*, and that the same is not publicly known or used in India to he best of my knowledge and belief, and that, to the best of my belief, the nstrument in writing under my hand hereunto annexed paticularly describes and ascertains the nature of the said invention and in what manner he same is to be performed.

The day of

(Signed)

C.

I of

do solemnly and sincerely declare that I have been appointed by the said his agent for the purpose of , and I verily believe that the declaration purporting to be the declaration of the said marked ( ) was signed by him, and that the contents thereof are true.

The day of

(Signed)

ACT No. VII of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th March 1856.)

AN ACT *to enable the Bombay Government to provide for a due supply of water for public use in the Islands of Bombay and Colaba.*

Preamble.

WHEREAS it is necessary to prevent the waste of drinking water in the Islands of Bombay and Colaba, and to empower the Government to prevent the consumption of such water otherwise than as drinking water, and to make an economical disposition of the drinking water in wells and tanks, in order to provide for a due supply of such water for the public during the present year; It is enacted as follows:—

Governor in Council may authorize the Police to take possession of private tanks, &c.

I. It shall be lawful for the Governor of Bombay in Council, in case he shall deem the same to be absolutely necessary for the public safety, at any time before the 1st of August next, to direct the Police to take possession of all or any of the tanks and wells, whether private property or not, throughout the said Town and Islands, containing drinking water, not being tanks or wells in or under an occupied house and to deepen and improve the same, and to retain possession thereof until the said 1st of August, and during such period to prevent the consumption of the water thereof otherwise than as drinking water, and to superintend the distribution of the water thereof under the orders of Government, or of Officers appointed by Government; and it shall be lawful for the Police, when so ordered, to enter upon the premises in which any such tank or well ordered to be taken possession of by them is situate

situate, and to take possession of the same, and to prevent the consumption of the water thereof otherwise than as drinking water, and to distribute the water thereof in such manner, and in such quantities, and on such conditions as shall from time to time be ordered by Government.

Removal of Cattle.

II. It shall also be lawful for the said Governor in Council to direct by proclamation the removal of any Cattle from any part of the said Islands situate to the South of a line drawn from Love Grove on the West to Chinchpooglee on the East shore and to authorize the Police to enforce the same by seizing and conveying to a public pound any Cattle found to the South of the said line; and the Cattle so seized and the owners thereof shall be dealt with according to the law for the time being in force for the seizure and sale of stray Cattle and the punishment of the owners.

Penalty for obstructing Police, &c.

III. Whoever impedes or obstructs the Police in the discharge of their duty under this Act, or prevents the public or any individual from coming on premises in which any private tank or well ordered to be taken possession of by the Police is situate, for the purpose of taking such water therefrom as shall be allowed by the Police, or prevents the public or any individual from taking and removing such water; and whoever wilfully does any act whereby the water of such well or tank shall be rendered unfit for drinking, or takes water in excess of the quantity allowed, or makes use of the water in any manner contrary to such orders of Government as shall be publicly notified—shall be liable, on conviction in a summary manner before a single Magistrate of Police, to a fine not exceeding one hundred Rupees or imprisonment for a period not exceeding thirty days.

Compensation to owners of private tanks and other persons injured.

IV. Every owner or tenant of any private tank or well, taken for the use of the public under this Act, and every person who shall sustain loss or injury by reason of any interference with a private right under the provisions of this Act, shall be entitled to claim compensation from the Municipal Fund of Bombay. In case of any such claim, the amount of such compensation shall be in the first place

ce fixed and tendered by a Committee appointed by the Governor in
uncil; and in case of the right to compensation being denied, or of no
ch tender being made, or of the party or parties claiming compensation
ing dissatisfied with the amount tendered, such party or parties shall be at
erty to sue the Board of Conservancy in the name of their Clerk for com-
nsation in the Supreme Court or the Court of Small Causes in Bombay
the case may be, and the costs of every such suit shall be in the discretion
he Court trying the same; and any sum of money recovered in any such
; shall be paid out of the Municipal Fund.

ACT No. VIII of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 14th March 1856.)

ACT *for the better control of the Gaols within the Presidencies of Fort St. George and Bombay.*

WHEREAS it is expedient to make provision for the better control of the Gaols within the Presidencies of Fort St. George and Bombay : It is enacted as follows :—

Preamble.

I. Clause Fifth Section VIII Regulation XV. 1803 and Sections II and III Regulation X. 1832 of the Madras Code ; so much of Section XLIX Act VII of 1843 as authorizes ssions Judges to visit the Gaols therein mentioned and to pass orders re- rding the treatment or accommodation or security of the prisoners : Sec- on XXXII Regulation VII. 1802 of the said Code ; and so much of Sec- on VII Regulation X. 1832 of the same as is referred to in Section XLIX ct VII of 1843 aforesaid ; and Clause Third Section XVI Regulation III. 1827 of the Bombay Code ; and so much of Clause Fourth Section XVII of the same Regulation as enacts that the Court of Sudder Fouzdary dawlut shall furnish information to Government of the state of the Gaols each Zillah ; and Clause Fourth Section VII Regulation XIV. 1827 ; and Sections IV and V Regulation XVI. 1828 of the same Code—are hereby repealed.

Laws repealed.

II. From and after the passing of this Act the control of all Gaols in each of the said Presidencies shall be vested in the Governor in Council ; and it shall be lawful for the said Governor in Council, with the previous sanction of the Governor General of India in Council to the creation of the office, to appoint such person or persons as he shall think fit, to inspect and superintend the said Gaols subject to the orders of the said Governor in Council, and to vest in such person or persons such power and authority for the purposes aforesaid as to the said Governor in Council may seem proper.

Supervision of Gaols vested in the Governor in Council, who may appoint a person or persons to inspect and superintend them.

ACT No. IX of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th April 1856.)

AN ACT *to amend the Law relating to Bills of Lading.*

Preamble.

WHEREAS by the custom of Merchants a Bill of Lading of goods being transferable by endorsement, the property in the goods may thereby pass to the endorsee, but nevertheless all rights in respect of the contract contained in the Bill of Lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property; and whereas it frequently happens that the goods in respect of which Bills of Lading purport to be signed have not been laden on board, and it is proper that such Bills of Lading in the hands of a *bonâ ide* holder for value should not be questioned by the Master or other person signing the same, on the ground of the goods not having been laden as aforesaid: It is enacted as follows:—

Rights under Bills of Lading to vest in consignee or endorsee.

I. Every consignee of goods named in a Bill of Lading, and every endorsee of a Bill of Lading to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the Bill of Lading had been made with himself.

Not to affect right of stoppage *in transitu* or claims for freight.

II. Nothing herein contained shall prejudice or affect any right of stoppage *in transitu*, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee by reason or in consequence of his being

being such consignee or endorsee, or of his receipt of the goods by reason
in consequence of such consignment or endorsement.

III. Every Bill of Lading in the hands of a consignee or endorsee
valuable consideration, representing goods to have be
shipped on board a vessel, shall be conclusive evidence
such shipment as against the Master or other per
signing the same, notwithstanding that such goods
some part thereof may not have been so shipped, unless such holder of t
Bill of Lading shall have had actual notice at the time of receiving the sa
that the goods had not in fact been laden on board. Provided that
Master or other person so signing may exonerate hims
in respect of such misrepresentation, by showing that
was caused without any default on his part, and wholly by the fraud of t
shipper, or of the holder, or some person under whom the holder claims.

Bill of Lading in hands of consignee, &c., conclusive evidence of the shipment as against Master, &c.

Proviso.

BENGAL SECRETARIAT LIBRARY

ACT No. X OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th April 1856.)

ACT *to repeal the 122nd Article of War for the Native Army, and to substitute a new Article in lieu thereof.*

Preamble.

WHEREAS it is expedient to amend the Articles of War for the Native Army, by including therein every attempt to commit murder: It is enacted—

122nd Article repealed so as to embrace all attempts at murder.

That, from and after the passing of this Act, the 122nd Article of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company shall be repealed, except as to offences committed before the passing his Act, and, in lieu thereof, the following shall be the 122nd Article :—

"or of wounding or otherwise, by any means whatsoever, causing any corporal injury to any person with intent to murder, whether the person wounded or otherwise injured be the person whom the offender intended to murder, or another; or of attempting to commit murder by any means whatsoever."

ACT No. XI OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th April 1856.)

AN ACT *for the better prevention of desertion by European Soldiers from the Land Forces of Her Majesty and of the East India Company in India.*

Preamble.

WHEREAS it is expedient to make better provision for apprehending and detaining European deserters from the Land Forces in the Service of Her Majesty and of the East India Company in India, and for punishing persons who aid and encourage such deserters: It is enacted as follows:—

Penalty on master in certain cases if a deserter be concealed on board a ship.

I. If it shall appear that any officer or soldier, being a deserter from the said Forces, has been concealed on board any merchant vessel, and that the master or person in charge of such vessel for the time being, though ignorant of the fact of such concealment, might have known of the same but for some neglect of his duty as such master or person, or for the want of proper discipline on board his vessel, such master or person shall be liable to a fine not exceeding five hundred Rupees. Provided always, that no conviction for such offence, as is hereinbefore described, shall be lawful, unless the same shall be stated in the charge which the party is called upon to answer; and in such charge, it shall be lawful to state in the alternative that the party has either knowingly harboured or concealed a deserter on board his vessel, or has, by neglect of duty or by reason of the want of proper discipline on board the vessel, allowed such deserter to be so concealed.

Proviso.

Charge may be in the alternative.

II. Any

Jurisdiction.

II. Any person, whether a European British subject or not, who sha be guilty of an offence punishable under this Act, sha be punishable for the same by any Justice of the Pea for any of the Presidency Towns of Calcutta, Madras, and Bombay, or f any of the Settlements of Prince of Wales' Island, Singapore, and Malac Magistrate, Joint Magistrate, or person lawfully exercising the powers o Magistrate in any Port within the Territories of the East India Compa within whose jurisdiction the offence may have been committed, or s person may have been apprehended or found, whether the offence shall h been committed within the local limits of the jurisdiction of such officer not; and any person hereby made punishable by a Justice of the Pe shall be punishable on summary conviction.

Conviction to be quashed on merits only: form of conviction, &c.

III. No conviction, order, or judgment of any Justice of the Pe shall be quashed for error of form or procedure, but o on the merits; and it shall not be necessary to state the face of the conviction, order, or judgment, the eviden on which it proceeds; but the depositions taken, or a copy of them, shall b returned with the conviction, order, or judgment, in obedience to any writ *certiorari;* and if no jurisdiction appears on the face of the conviction, order, judgment, but the depositions taken supply that defect, the conviction, orde or judgment, shall be aided by what so appears in such depositions.

Saving of proceedings under Act No. XIV of 1849.

IV. Nothing in this Act contained shall prevent any Justice of tl Peace, Magistrate, or other Officer having authority i that behalf, from committing for trial any person who shall be charged with an offence punishable under Act No. XIV of 1849, or any other Act hereafter to be in force, notwithstanding that such offence may be also punishable under this Act. Provided that no proceedings shall have been had against such person in respect of the same offence under this Act.

Proviso.

Commanding Officer may issue warrants for apprehension of deserters.

V. Whenever, on information given on oath or solemn affirmation, where by law a solemn affirmation may be used instead of an oath, to the Commanding Officer of any fort, garrison, station, regiment, or detachment, at any port or place within the Territories

erritories of the East India Company, in which no person lawfully exercising agisterial powers can be found, which oath or affirmation the several persons above named shall severally under this Act have power to administer; whenever, on such information as aforesaid given to any Justice of the eace, Magistrate, Joint Magistrate, or person lawfully exercising the powers a Magistrate, having jurisdiction within such port or place, there shall appr reason to suspect that any European Officer or Soldier belonging to the l Forces, who may have deserted or be absent without leave, is on board ship, vessel, or boat, or is concealed on shore at any such port or place hin the Territories of the East India Company, it shall be lawful for such nmanding Officer or Justice of the Peace, Magistrate, Joint Magistrate, or son lawfully exercising the powers of a Magistrate as aforesaid, to issue a rant authorizing the person or persons to whom such warrant may be addssed, to enter into and search, at any time of the day or night, any such p, vessel, or boat, or any house or place on shore, and to apprehend any ch officer or soldier, and to detain him in custody in order to his being ealt with according to law.

Warrant to whom be addressed and whom to be executed.

VI. The warrant to be issued under the preceding Section may be addressed to any European officer or soldier of the said Forces, or to all constables, peace officers, and other persons who may be bound to execute the warrant of any stice of the Peace, Magistrate, Joint Magistrate, or person lawfully exersing the powers of a Magistrate, and acting in the execution of this Act; nd all such persons shall be bound to execute, perform, and obey such warrant.

Persons apprehended how to be dealt with, &c.

VII. Every person who shall be apprehended under any warrant under the 5th Section of this Act, shall be brought without delay before a Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, in or near the place wherein such person shall have been arrested, who shall examine such person, and, if he shall be satisfied, either by the confession of such person or the testimony of one or more witness or witnesses, or by his own knowledge, that such person is a deserter from the said Forces,

Forces, shall cause him to be delivered, together with any depositions ar papers relative to the case, to the Commanding Officer of the regimer corps, or detachment to which he shall belong, if the same shall be in or ne the place of such arrest, or, if otherwise, then to the Commanding Officer the nearest military station, in order that he may be dealt with according law.

ACT No. XII OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 9th May 1856.*)*

AN ACT *to amend the Law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.*

Preamble.

WHEREAS the Law by which the Civil Courts are authorized to employ Ameens upon local investigations is defective, and requires amendment; and whereas, in consequence of the extended jurisdiction which has been given to Moonsiffs and the change which has been made in the constitution of the office, it is no longer expedient that Moonsiffs should be employed in the attachment and sale of personal property, nor, except on rare and special occasions, in any of the duties enumerated in Sections L, LI, and LIII Regulation XXIII. 1814; and it is necessary to make provision for the performance of those duties by other agency; It is enacted as follows:—

Regulations repealed.

I. Section XVII Regulation IV. 1793, Section XVIII Regulation III. 1803, and Clauses 2 and 3 of Section LI, and Section LII, Regulation XXIII. 1814, are repealed.

Civil Court Ameens to be appointed.

II. In each District officers to be designated Civil Court Ameens shall be appointed for the purposes of this Act, and shall be remunerated by fixed monthly salaries. The number of Ameens to be employed in each District, and the salaries to be allowed to them, shall be determined by the Local Government, with the sanction of the Governor General of India in Council.

III. The

III. The Civil Court Ameens shall be appointed by the Judge of th

Civil Court Ameens by whom to be appointed and to what Courts to be attached.

District with the sanction of the Court of Sudder Dewa ny Adawlut, and the Judge shall from time to time attac them to the several Courts of the District according the state of business may require. Provided that an Ameen attached to a particular Court may, with the sanction of the Judge, be employed occasio ally by any other Court.

IV. Before entering upon the duties of their office, the Civil Co Ameens shall subscribe a declaration in the follow form :—

Declaration to be made by Civil Court Ameens.

I, A. B., appointed to the office of Civil Court Ameen, solem declare that, in the performance of the duties of my office, I will according to the best of my abilities and judgment, without partiality, fav or affection ; and that I will not directly or indirectly receive for my ov benefit, or knowingly permit any other person to receive on my behalf, an money, effects, or property on account of any duty which I may have t execute, except the authorized allowances of my office.

V. Subject to such general directions and restrictions as may fro time to time be prescribed by the Sudder Court, th Civil Court Ameens may be employed in any of th following duties :—

Duties of Civil Court Ameens.

1. In investigating or adjusting accounts in any suit or other judicia proceeding.

2. In making local investigations when the Court may deem investiga tion on the spot to be requisite and proper for the purpose of elucidating the matters in dispute, or of ascertaining the amount of mesne profits o damages, in any suit or other judicial proceeding.

3. In delivering over possession of lands, houses, and other immoveable property, in execution of decrees or orders of Court.

4. In

4. In the sale of moveable property, and of houses, gardens, and other moveable property of the kind described in Section III Regulation I. 1825.

5. In ascertaining the sufficiency of sureties and the means of persons ıg in *formâ pauperis*.

VI. Whenever any accounts shall be referred to a Civil Court Ameen for investigation or adjustment, the Court shall direct the parties or their agents to attend the Ameen, and shall furnish him with such part of the proceedings and such detailed instructions as may appear necessary for his in- ation and guidance, and the instructions shall specify whether the een is merely to transmit the proceedings which he may hold on the uiry, or also to report his own opinion on the matter referred for his ɔstigation.

ɔcedure in refer- accounts to Civil Ameen for in- ation or adjust-

VII. *Clause* 1. Whenever a local enquiry is directed, the Court shall distinctly specify the point or points to be investigated, and the Civil Court Ameen shall have power to examine, oath or affirmation, such witnesses as may be produced to him by the ties or any of them, the parties themselves, and any other persons whom may think proper to call upon to give evidence; and also to call for and amine documents and other papers relevant to the subject of enquiry; and ɛrsons not attending on the requisition of a Civil Court Ameen, or refusing ɔ give their testimony or sign their depositions, or to produce any docu- ents or other papers, shall be subject to the like penalties and punishments y order of the Court on the report of the Ameen, as they would incur for ıe same offences in suits tried in Court.

'rocedure in cases ɔcal enquiry.

Clause 2. Having completed his proceedings, the Civil Court Ameen shall return the depositions taken by him together with his report in writing to the Court. The report and depositions shall be received as evidence in the case; but ; shall be competent to the Court, or to the parties, or any of them, with the

Report of the Civil ourt Ameen and re- ırn of the deposi- ons taken by him.

the permission of the Court, to examine the Ameen personally in open Co touching any of the matters referred to him or mentioned in his report the manner in which he may have conducted his investigation.

Expense of Civil Court Ameens how to be charged.

VIII. Whenever a Civil Court Ameen may be employed on duty connected with a pending suit, or the executio a decree, except the sale of property, the Court estimate the time which the duty may be expected occupy, and shall charge for the expense of the Ameen such fixed rate *diem* as may be determined by the Sudder Court. The amount shal paid into Court by the party at whose instance or for whose benefit Ameen is deputed, and shall be added to the costs of suit.

When employed to sell property, deduction to be made from proceeds.

Expenses, if no sale takes place.

IX. When a Civil Court Ameen shall be employed to sell propert deduction at the rate of one anna in the Rupee shal made from the proceeds of the sale. If no sale ta place by reason of the claim being satisfied, or for a other cause, a charge shall be made for the expen of the Ameen according to the time he may be employ A deposit to meet this charge, calculated in the manner prescribed the preceding Section, shall be made before the Ameen is deputed, shall be returned to the depositor if the sale takes place. All sums p for the employment of Ameens, and all sums deducted from the proceeds sales, shall be credited to Government.

Civil Courts in the North-Western Provinces may employ Revenue Officers in certain cases.

X. Nothing contained in this Act shall be held to prohibit the Civ Courts in the North-Western Provinces of the Presidency of Fort William from making use of the agency the Revenue Officers in investigations and adjustmen of accounts connected with land paying revenue to Government, under such general directions as may from time to time be pr scribed by the Sudder Court. Whenever a Tuhseeldar, a Naib Tuhseeldar, or Peshkar, shall be employed in any such investigation or adjustment under th orders of a Civil Court, he shall possess all the powers vested in Civil Cour Ameens by Section VII of this Act; and the provisions of the said Sectio shall be applicable to the proceedings held by such officer.

ACT No. XIII of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

ceived the assent of the Governor General on the 13th June 1856.)

CT *for regulating the Police of the Towns of Calcutta, Madras, and ıbay, and the several stations of the Settlement of Prince of Wales' nd, Singapore, and Malacca.*

HEREAS it is expedient to consolidate and amend the Laws relating to the Police, and the administration of justice in the Police Courts, of the Towns of Calcutta, Madras, and Bombay, several stations of the Settlement of Prince of Wales' Island, e, and Malacca; It is enacted as follows :—

ole.

The several Acts, and Rules Ordinances and Regulations, mentioned in the Schedule hereunto annexed, are hereby repealed, except so far as they repeal the whole or any part of er Act, or Rule Ordinance and Regulation, and except as to any offence which shall have been done or committed, or to any money hall have become due, or to any fine or penalty which shall have ıcurred, or to any proceedings which shall have been commenced, ais Act shall come into operation; and Sections II and IV of Act of 1837, and ~~Sections XXII,~~ XXXI, XXXII, XXXIII, XXXV, and VII of Act XIX of 1852, shall be read as if the words "a Magistrate ce" were substituted therein for the words "the Superintendent ce or one of his Deputies."

epealed.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such con-ı, (that is to say)—

tation.

The

A

"Local Government." The expression "Local Government" shall mean the person or pe for the time being immediately administering the E tive Government of that portion of the Territories i possession and under the Government of the East Company, in which the Town or Station is situated.

"Magistrate." The word "Magistrate" shall mean any Magistrate of Police ac the place where the matter, requiring the cogniza Magistrate, arises.

"Town." The word "Town" shall include all places within the local limit jurisdiction of Her Majesty's Supreme Courts dicature at Calcutta, Madras, and Bombay.

"Station." The word "Station" shall mean any one of the Stations of Pri Wales' Island, Singapore, and Malacca, and the dencies thereof.

"Property." The word "property" shall include any chattel, r or valuable security.

"Her Majesty's Supreme Court of Judicature." The term "Her Majesty's Supreme Court of Judicature" sha the Court of Judicature of the Settlement of Wales' Island, Singapore, and Malacca, and ev sion of that Court.

Number. Words importing the singular number shall include the plura ber, and words importing the plural number shall the singular number.

Gender. Words importing the masculine gender shall females.

"Person." The word "person" shall include a corporation.

"Month." The word "month" shall mean calendar month.

"Oath." The word "oath" shall include any affirmation claration lawfully substituted for an oath.

"Cattle." The word "cattle" shall, besides horned cattle, horses, asses, mules, sheep, goats, and swine.

III. The administration of the Police in each of the said Towns and Stations shall be vested in an Officer to be styled the Commissioner of Police for such Town or Station, who shall from time to time be appointed by the Local Government, and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow. All powers which by Law are given to a Superintendent of Police in any such Town or Station shall be vested in the Commissioner of Police, (except as is otherwise provided by Section I of this Act.)

Appointment and removal of Commissioner of Police.

IV. The Local Government, with the sanction of the Governor General in Council, may from time to time appoint one or more Deputies to the Commissioner of Police, who shall be competent to perform any of the duties assigned to the Officer under his orders. The Deputy Commissioners may be removed at any time by order of the Local Government.

Appointment of Deputies to the Commissioner of Police.

V. The Commissioner of Police shall not ordinarily be a Magistrate of Police under this Act, but, with the sanction of the Governor General of India in Council, may be appointed to that office, when the Local Government, for special reasons, may deem it expedient.

Commissioner of Police shall not ordinarily be a Magistrate.

VI. The Commissioner of Police shall be appointed a Justice of the Peace, but, unless he is vested with the jurisdiction of a Magistrate of Police, he shall act as a Justice only so far as may be necessary for the preservation of the peace, the prevention of crimes, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate of Police; and so far as may be necessary for the performance of the duties assigned to the Commissioner by this Act. The Deputies to the Commissioner of Police may be appointed Justices of the Peace, and if so appointed, shall act in that capacity, subject to the above restriction.

Commissioner of Police to be a Justice of the Peace, but to act only in certain cases.

VII. For each of the said Towns and Stations there shall be a Police Force, which shall consist of such number of Officers and men, and shall be otherwise constituted in such manner

Constitution of Police Force.

manner, as shall be, from time to time, ordered by the Local Governme with the sanction of the Governor General of India in Council.

VIII. The Police Force shall be under the exclusive direction and c trol of the Commissioner of Police, who may, from time time, subject to the approbation of the Local Governme frame such orders and regulations as he shall deem ex dient, relative to the general government of the Fo the places of residence, the classification, rank, distr tion, and particular service of the several me thereof; their inspection; the description of arms, accoutrements, other necessaries to be furnished to them; and all such other orders regulations relative to the said Police Force as the said Commissioner from time to time, deem expedient for preventing neglect or abuse, for rendering such force efficient in the discharge of all its duties.

The Police Force to be under the control of the Commissioner. Rules for the government of the Force to be made by the Commissioner and approved by Government.

IX. In the Settlement of Prince of Wales' Island, Singapore, and lacca, no Constable or subordinate Peace Officer, or c person appointed to perform duties of Police, sha appointed by the Court of Judicature of the Settle or by any division of that Court, at their General Quarter Sessions, or otherwise.

No Peace Officers in the Straits' Settlement to be appointed by the Court of Judicature.

X. The appointment of the members of the Police Force shal with the Commissioner of Police, and he may, a time, suspend or dismiss any member of the Force, wh he shall think remiss or negligent in the discharge of h duty, or otherwise unfit for the same.

Appointment &c. of the Police Force to rest with the Commissioner.

XI. For any lesser breach of discipline, or other misconduct n requiring the suspension or dismissal of the offender, member of the Police Force may be fined by the Com missioner in any sum not exceeding one-half of h monthly pay.

Power of Commissioner to fine members of the Police Force.

XII. For neglect or violation of duty in his office, and for any breac of the orders and regulations framed as aforesaid, ever member of the Police, besides being suspended c dismisse

Additional penalties for members of the Po-

dismissed from his employment at the discretion of the Commissioner, shall be liable, on conviction before a a fine not exceeding one hundred Rupees (which may be any salary then due to such offender), or to imprisonment, hard labor, for any time not exceeding three months.

hoever, being a Police Officer or being employed in any Police Office, asks for or takes any bribe or unauthorized reward in considération of his doing, or omitting to do, official capacity, shall be dismissed by order of the Commis- pon conviction before a Magistrate, shall be liable to a fine not hundred Rupees, or to imprisonment, with or without hard term not exceeding six months.

Every member of the Police Force shall receive on his enrolment a Certificate (A), under the signature of the Commissioner of Police, by virtue of which he shall be vested with the powers, functions, and privileges of a Constable.

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Such Certificate shall cease to have effect whenever the d in it is suspended or dismissed, or otherwise removed from in the Force.

No member of the Police Force, to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or shall have given to the Commissioner two months' notice of his ; and every member of the said Force, who shall so resign withdraw himself without such leave or notice, shall be liable, on the of the Commissioner, to forfeit all arrears of pay then due to him ; or, he sentence of a Magistrate, to pay a fine not exceeding fifty Rupees, be imprisoned for any time not exceeding two months.

Police resign or two

XVI. Every member of the Police Force, who shall be dismissed from, or shall cease to hold and exercise his office, and who shall not forthwith deliver up his Certificate, and all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him for the execution

alty for dismissed ers of Police not delivering thing, accoutres, &c.

execution of his duty, to the Commissioner, or to such per
time and place as shall be directed by the said Commissioner,
on conviction before a Magistrate, to imprisonment, with
labor, for any time not exceeding one month. And it shall b
Commissioner, or for any Magistrate, to issue his warrant to
seize all the clothing, accoutrements, appointments, and o
which shall not be so delivered over, wherever the same may

Police Superannuation Fund.

XVII. There shall be deducted from the pay of every m
Police Force, of a class not entitled to the
Uncovenanted Service Pension Rules, a su
rate as the Local Government shall direct, not being a greater
anna in the Rupee, which sum so deducted, and also the mo
from stoppages from members of the Police Force during abse
ness or other cause, and fines imposed on members thereof fo
and from fines imposed by Magistrates upon drunken persons,
upon Police Officers, and all monies arising from the sale of w
clothing or other articles supplied for the use of the Police, shal
time be invested in such manner and in such securities as the L
ment may in writing direct, and the interest and dividends th
much of the same as shall not be required for the purposes here
tioned, shall be likewise invested as aforesaid, and accumulate, so
Fund, to be called "The Police Superannuation Fund," and shal
from time to time to payment of such superannuation or retiring
or gratuities as may be ordered by the Local Government, at an
any of the aforesaid members of the Police Force as hereinafter p

Superannuation pensions to members of the Police Force.

XVIII. It shall be lawful for the Local Government to order ena
member of the Police Force as aforesaid, who is inc
citated from further employment by old age, protr
ill-health, loss of sight, or other bodily or mental infir
may be superannuated, and receive thereupon, out of the Police Superan
tion Fund, a monthly pension, subject to the following conditions, an
exceeding the following proportions, that is to say—

First,—If the period during which the individual shall have
actually employed in the Police Force be more than sixteen years, but

enty-four years, the amount of the pension shall not exceed one-third monthly salary or authorized official allowances of such individual, cal- d on an average of five years previously to the date of the application h pension.

Secondly,—If the period of actual service be twenty-four years or ds, the amount of the pension shall not exceed one-half of the salary or rized allowances of the individual, calculated in the manner above d.

rovided that nothing in this Section shall be construed to entitle any member of the Police Force absolutely to any superannuation allowance, or to prevent him from being dis- d without superannuation allowance.

so.

XIX. If any Officer of the Police Force as aforesaid shall be disabled by any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant to him, out of the Police Superannuation Fund, any monthly ance not more than the half of his pay.

vances to Officers d by wound, &c. cution of duty.

XX. The Commissioner of Police may, of his own authority, appoint special Constables to assist the Police Force on any temporary emergency.

missioner of Po- ay appoint spe- Constables when sary.

XXI. The Commissioner of Police may also, if he shall think fit, on the application of any person showing the necessity of it, appoint any additional number of Constables to keep the peace at any place within his jurisdiction, at the charge of the person applying, but subject to the orders of the said Commissioner, and for such time as he shall think fit ; and every such Constable shall receive a Certificate, by virtue of which he shall be vested with all the powers, privileges, and duties of the Constables belonging to the Police Force. Provided that the person upon whose application such appointment shall have been made may, upon giving one month's notice in writing to the Commissioner of Police, require

Appointment of additional Constables on the application of private individuals.

Proviso.

require that the Constables so appointed at his expense shall be
tinued, and thereupon the said Commissioner shall discontinue
additional Constables; and all monies received by the Commis
for the payment of any such additional Constables shall be account
by him.

Police Districts.

XXII. The Local Government, with the sanction of the Gov
General of India in Council, may constitute, with
Towns of Calcutta, Madras, and Bombay respecti
and within the said Settlement, so many Police Districts as to such Go
ment shall seem fit, and define the extent thereof; and from time to
alter the number and extent of such Police Districts, and establish a
Court in and for each of such Districts, or in and for such other Distri
the Local Government may consider necessary. The Local Goverr

Appointment of Police Magistrates.

may, from time to time, appoint a sufficient numl
fit persons as Magistrates of Police for the said T
and Stations, respectively, who may sit and act as such Magistrates in
of the said Police Courts. Every person so appointed, before he shall a
such Magistrate of Police, shall also be appointed a Justice of the P
and shall exercise all powers and jurisdictions which by virtue of any
may be exercised by two Justices of the Peace.

Police Officers to be in attendance at the Police Courts.

XXIII. The Commissioner of Police shall take care that a suffi
number of Officers belonging to the Police Force shal
in attendance upon every Magistrate sitting at any Po
Court, for the purpose of executing all such orders
process as may be directed or delivered to them.

Service of criminal process by Police Officer.

XXIV. All summonses, subpœnas, and warrants issued in any criminal
proceeding by a Commissioner or Deputy Commissioner
of Police, or by any Magistrate of Police, shall be served
and executed within the said Towns and Stations by an
Officer of the Police Force, and by none other.

Execution of warrants.

XXV. When any warrant shall be directed or delivered to any such
Officer, unless the authority issuing it shall order that it
be executed without delay, such Police Officer shall
deliver

Taking or enticing away women or female children under the age of 14 years.

entices away, or detains, any female child under the age of fourteen years, out of the possession, custody, or protection, and against the will of the husband, parent, guardian, or other person, who has the lawful charge or government of such child, for the purpose of living in adultery or concubinage with such woman or child, or for the purpose of prostitution, or of deflouring her, or disposing of her in marriage, shall be guilty of a misdemeanor, and shall, on summary conviction before a Magistrate, be liable to imprisonment, with or without hard labor, for any term not exceeding six months, or to fine not exceeding five hundred Rupees, or to both; or, at the discretion of the Magistrate, may be committed for trial before Her Majesty's Supreme Court of Judicature.

Magistrate may punish offender summarily, or commit for trial.

XLV. Upon complaint made to a Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any of the purposes aforesaid, such Magistrate may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian, or such other person as aforesaid, as the case may be, and may compel compliance with such order, using force if necessary.

Magistrate may compel immediate restoration of such woman or child.

XLVI. Any person found between sun-set and sun-rise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any felonious act; any reputed thief found between sun-set and sun-rise, on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found between sun-set and sun-rise, having his face covered, or otherwise disguised, with intent to commit any felony; any person found between sun-set and sun-rise, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking—may be taken into custody by any Police Officer without a warrant, and shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months.

Apprehension and punishment of reputed thieves, &c.

XLVII. Whoever,

XLVII. Whoever, not being a soldier or sailor in the Army or Navy of the Queen or the East India Company, or a Police Officer, goes armed with any sword, spear, gun, or other offensive weapon, in any street, thoroughfare, or public place, unless by leave of the Commissioner of Police, shall be liable to be disarmed by any Police Officer; and the weapon so seized shall be forfeited to the Government, unless redeemed by payment of a fine, at the discretion of the Commissioner, not exceeding ten Rupees.

Penalty for carrying arms without authority.

XLVIII. Whoever, not being amenable to the Articles of War, takes, or attempts to take, into Fort William at Calcutta, or Fort St. George, or into the Barracks or Buildings occupied by the troops composing the Garrison of Bombay, or into any Military Barracks, guard rooms, or encampments, within any of the said Towns or Stations, or on board or alongside of any Vessel of War belonging to Her Majesty or the East India Company in the Ports of the said Towns or Stations, any spirits or spirituous or fermented liquors, or intoxicating drugs, or preparations, without the license in writing of the Commanding Officer (unless such articles belong to some person above the rank of Non-Commissioned Officer), shall be liable to a fine not exceeding one hundred Rupees, or imprisonment for any term not exceeding two months, with or without hard labor; and such liquors, drugs, or preparations, and the vessels containing the same, shall be forfeited.

Penalty for taking spirits into Barracks or on board vessels of war.

XLIX. Whoever takes, or attempts to take, without due permission, or throws, or attempts to throw, into any Jail or House of Correction, or into any public hospital, any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, shall be liable to a fine not exceeding fifty Rupees, or to imprisonment, with or without hard labor, for any term not exceeding two months.

Penalty for taking spirits, &c. into Jail.

L. Whoever, in the Towns of Calcutta and Madras, has or keeps any Hotel, Tavern, Punch-house, Ale-house, Arrack or Toddy-shop, or place for smoking Chandoo or other preparation of Opium, or any Eating-house, Coffee-house, Boarding-house, Lodging-house, or other place of public resort and entertainment, wherein spirituous or fermented liquors are

Calcutta and Madras.

Penalty for keeping Taverns and places of public entertainment without a license from the Commissioner of Police.

are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), without a license from the Commissioner of Police; and whoever, in the Town of Bombay, has or keeps any such house or place, or who sells by retail in any place any spirituous or fermented liquors without such license—shall be liable to a fine not exceeding fifty Rupees for every day that such unlicensed house or place of public resort and entertainment is kept open.

Bombay.

Penalty for keeping such house and for retailing spirits in any place without a license.

LI. The Commissioner of Police shall, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid in the said Towns, and upon such conditions, to be inserted in every such license, as he, with the sanction of the Local Government, from time to time, shall order, for securing the good behaviour of the keepers of the said houses or places of public resort and entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any term not exceeding one year; provided always, that it shall not be lawful for the said Commissioner to grant a license to open or establish, or keep open, any house of public entertainment in which any spirituous or fermented liquors, or Chandoo or other preparation of Opium for smoking, may be sold or consumed, to any person who has not taken out a license for the retail sale of such articles, if a license be necessary, under the Abkaree or Excise Laws for the time being in force; and any such license granted by the Commissioner shall become void whenever the license necessary under the Abkaree or Excise Laws shall terminate or be re-called. And every holder of such license may be required by the Commissioner to fix in a conspicuous part of the house or place specified in the license a board, on which shall be legibly painted, in the English and Vernacular languages, the name of the holder, and the articles he is licensed to deal in. Provided that Act V. of 1842, authorizing the levy of a fee, tax, or duty on licenses to retail spirituous liquors in the Islands of Bombay and Colaba, shall be applicable to licenses granted under this Section. For every license

Licenses by Commissioner of Police for keeping Taverns and places of public entertainment.

Licenses to be granted only to persons who have taken out the requisite Abkaree licenses.

Fees and licenses.

license granted under this Section in the Towns of Calcutta and Madras there shall be paid a fee of one Rupee.

Penalty for breach of condition of license.

LII. Whoever, being the keeper of any such house or place of public resort and entertainment, in the said Towns, wilfully offends against any condition of his license, shall be liable to a fine not exceeding one hundred Rupees, and also, in the discretion of the Magistrate, to forfeit his license.

Disorderly conduct in houses of public entertainment.

LIII. Whoever being the keeper of any such house or place of public resort and entertainment, in the said Towns, or of any house or shop within the said Settlement of Prince of Wales' Island, Singapore, and Malacca, licensed under Act XIV. of 1851, knowingly permits drunkenness or other disorderly behaviour in such house or place, or knowingly suffers any gaming whatsoever therein, or who knowingly permits prostitutes, or persons of notoriously bad character, to meet or remain therein, or who wilfully harbours or conceals any soldier, seaman, or apprentice, knowing, or having reason to believe, such soldier, seaman, or apprentice, to be a deserter, shall be liable to a fine not exceeding one hundred Rupees, and shall also be liable to forfeit his license.

Penalty for harbouring and concealing deserters from merchant vessels.

LIV. Whoever, in any place within any of the said Towns or Stations, wilfully harbours or conceals any seaman or apprentice belonging to a merchant vessel, knowing, or having reason to believe, such seaman or apprentice to be a deserter, shall be liable to a fine not exceeding one hundred Rupees.

Brothels.

LV. On the complaint of three or more house-holders, that a house in their immediate neighbourhood is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, a Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it, and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five Rupees, for every day thereafter that the house shall be so used.

LVI. Whoever,

LVI. Whoever, being the owner or occupier, or having the use of any house, room, or place, opens, keeps, or uses the same for the purpose of gaming being carried on therein, and whoever, being the owner or occupier of any house or room, knowingly and wilfully permits the same to be opened, kept, or used by any other person for the purpose aforesaid; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, room, or place opened, kept, or used for the purpose aforesaid; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, or place—shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Penalty for owning, or keeping, or being employed in a gaming-house, &c.

LVII. Whoever is found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Penalty for being found playing in a gaming-house.

LVIII. If the Commissioner of Police, upon information on oath, and after such enquiry as he may think necessary, has reason to believe that any house, room, or place is used as a common gaming-house, he may, by his warrant, give authority to any Inspector or superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming, and to seize all instruments of gaming, and all monies, and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that

Commissioner of Police or Magistrate may grant warrants to Police Officers to enter a gaming-house for the purpose of search and seizure.

that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody, and to seize and take possession of all instruments of gaming found upon such search.

The finding cards and other instruments of gaming in certain houses to be evidence that such houses are gaming-houses.

LIX. When any cards, dice, gaming-table, or cloth, board, or other instruments of gaming, are found in any house, room, or place, of which information has been given on oath to a Magistrate, that it is suspected of being used as a common gaming-house, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer, or any of his assistants.

On conviction for keeping a gaming-house instruments of gaming to be destroyed, &c.

LX. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all monies seized therein, to be forfeited, or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

LXI. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Witnesses indemnified.

LXII. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act, relating to gaming, and who, upon such examination, shall make true and faithful discovery, to the best of his knowledge,

ledge, of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for any thing done before that time in respect of such gaming.

Act not to apply to certain games.

LXIII. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill played at licensed Hotels, Taverns, or Eating-houses, or places of public resort.

Penalty for cheating at games.

LXIV. Whoever, by any fraud or unlawful device, or ill-practice in playing at or with cards, dice, or other game, or in bearing a part in the stakes, wagers, or adventures, or in betting on the sides or hands of them that do play, or in wagering on the event of any game, sport, pastime, or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and, being convicted thereof, shall be liable to punishment accordingly.

Portion of fine may be paid to informer.

LXV. The Magistrate may direct any portion, not exceeding one-fourth, of any fine which shall be levied under Sections LVI and LVII of this Act, or any part of the monies or proceeds of articles seized and ordered to be forfeited under Section LX to be paid to an informer.

Gambling in the streets.

LXVI. A Police Officer may apprehend without warrant any person found gaming with cards, dice, counters, money, or other instruments of gaming in any public street, place, or thorough-fare, or publicly fighting cocks, or present as a spectator of such cock-fighting; and such person shall be liable to a fine not exceeding twenty Rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month, and such instruments of gaming and money shall be forfeited.

LXVII. Whoever

LXVII. Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as a pawn, pledge, or security for any sum of money lent or advanced to such child, or buys from such child any article whatsoever, shall be liable to a penalty not exceeding one hundred Rupees.

Taking pledge from child under the age of fourteen.

LXVIII. If any property regarding which written or printed information shall be given by any Police Officer to any pawn-broker or dealer in second-hand property or money-changer as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the possession of or be offered in pawn or for sale or change to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information to the Commissioner of Police or at the Police Office, that certain property answering the description of the said property was offered to him, or is in his possession, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty not exceeding fifty Rupees for each and every such neglect or offence; provided always, that, in the case of wearing apparel or other articles which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

Pawn-brokers and money-changers to report stolen property under a penalty for neglect.

LXIX. If any pawn-broker or dealer in second-hand goods or worker in gold or silver, after receiving information of the theft or the embezzling or the fraudulent disposal of any metals, goods, or articles of whatsoever description, melts, alters, defaces, or puts away the same, or causes the same to be melted, altered, defaced, or put away, without having previously received the permission of the Commissioner of Police, and it shall be found that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of by the person from whom such pawn-broker, dealer, or worker received the same, or by any other person, then and in such case it shall be held that such pawn-broker, dealer,

If stolen articles be altered or defaced by broker, after information of the theft, he shall be deemed a receiver of stolen goods.

dealer, or worker knew that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of, and such pawn-broker, dealer, or worker shall be proceeded against according to Law as a receiver of stolen goods, or as being a party to the fraud, and punished accordingly; and no other evidence of his guilt shall be necessary than evidence of such melting, altering, defacing, or putting away, after receiving information as aforesaid.

Manufacture or possession of Gunpowder.

LXX. Whoever manufactures Gunpowder or, without a license from the Commissioner of Police, has in his possession, in any house, shop, warehouse, or other building, at any one time, a greater quantity of Gunpowder than ten pounds, shall be liable to a fine not exceeding five hundred Rupees, and also to forfeit such Gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

Licenses by Commissioner of Police for sale and deposit of Gunpowder, &c.

LXXI. The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of Gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions, shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees, and to forfeit all Gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also, in the discretion of the Magistrate, or of the Commissioner, to forfeit his license.

Licenses for conveying and removing Gunpowder.

LXXII. The Commissioner of Police may grant to any person a license for the transit and carrying of Gunpowder from one place to another, in such manner and in such quantity as he may deem advisable; and any person, not being duly licensed in that behalf, who carries or conveys a greater quantity of Gunpowder than one pound from one place to another, shall be liable to a fine not exceeding fifty Rupees.

Commissioner of Police may issue warrant to search for Gunpowder, &c.

LXXIII. The Commissioner of Police, on credible information laid before him on oath, may issue his warrant authorizing a Police Officer to search in the day-time any house, shop, magazine, or other building or place in which he has reasonable

reasonable ground to suspect that any Gunpowder is manufactured, sold, or kept, or any boat, carriage, cart, or other vehicle in which any Gunpowder may be suspected to be carried, or any person suspected of carrying the same contrary to the provisions of this Act; and all Gunpowder found on such search shall, together with the vessels or receptacles in which it may be stored, be immediately seized and kept, pending the judgment of a Magistrate.

Act not to apply to Government powder, &c.

LXXIV. None of the four last preceding Sections shall extend to any Government magazine, or store, or building for the making or deposit of Gunpowder under the authority or for the use of the Government, or to any Gunpowder belonging to Her Majesty or the East India Company.

Penalty for using false weights and measures

Standards of weights and measures.

LXXV. Whoever, dealing in any articles by retail, has, in or about his shop or premises, or otherwise in his possession, without lawful or satisfactory excuse, any false instrument for weighing, or any false weight, or false measure of length or capacity, shall be liable to a fine not exceeding fifty Rupees, or to imprisonment, with or without hard labor, for a term not exceeding one month; and every such false instrument, weight, or measure shall be forfeited and destroyed. Weights and measures shall be held to be false when they do not agree with standards to be kept in the Office of the Commissioner of Police.

Powers of Inspector, &c. to enter shops to seize false weights and measures.

LXXVI. Any Inspector or superior Officer of Police may, upon complaint made to him, enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument for weighing which he may have reason to believe is false.

The regulation of public processions, &c: and of carriages and persons at places of public resort.

LXXVII. The Commissioner of Police, from time to time, as occasion may require, may, subject to the orders of the Local Government, make rules for the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribing the routes by which, and the times at which, such processions may pass; and for keeping order in the public roads, streets,

or seaman of such ship or vessel, or to any other person employed or engaged in any capacity on board thereof, or who is about to sail as a passenger therein ; and by reason of the value of such property exceeding fifty Rupees, the offence is not summarily cognizable by a single Magistrate under the provisions hereinbefore contained ; it shall be lawful for such two Magistrates, upon proof of the matters aforesaid, if they shall deem it probable (with reference to the time appointed for the departure of such ship or vessel) that the prosecution by indictment in the Supreme Court of the person so charged will be ineffectual in consequence of the absence of a material witness, to hear and determine the charge summarily under this Act, and, on conviction, to sentence the offender to imprisonment, with or without hard labor, for a term not exceeding twelve months, and in cases falling under Section XXVII, if a male, to corporal punishment not exceeding thirty stripes of a rattan.

Similar charges at Bombay to be tried by the Petty Sessions.

Clause 2.—In the Town of Bombay a Magistrate may commit persons charged with such offences for trial before the Court of Petty Sessions, and the said Court may, on conviction, sentence the offender to a like term of imprisonment or punishment.

Such cases may be committed for trial before the Supreme Court.

Clause 3.—It shall be lawful for the said two Magistrates, and the said Court of Petty Sessions respectively, if they deem that the charge is from any circumstances fit to be made the subject of prosecution by indictment rather than to be summarily disposed of, to commit the person charged for trial before the Supreme Court.

Restitution of stolen property.

XXXIII. Upon a conviction for any of the offences mentioned in Sections XXVII, XXVIII, XXIX, and XXXII of this Act, the Magistrate, or Magistrates, (as the case may be), and in Bombay the Court of Petty Sessions in cases committed to that Court, may order the restitution of the property forming the subject of the charge, if forthcoming, to the owner ; and in case of its not being restored pursuant to such order, may impose on any person refusing or neglecting to restore the same, a fine not exceeding the value of the said property, which the Magistrate or Court may order to be paid to the owner or his representative.

XXXIV. Upon

XXXIV. Upon a conviction for any of the said offences, the Magistrate, or Magistrates, (as the case may be), and in Bombay the Court of Petty Sessions in cases committed to that Court, may impose upon the offender, in addition to the punishment for the offence, a fine not exceeding the loss appearing to be caused to the persons who have suffered thereby, and may pay or distribute the proceeds of the said fine, or any part thereof, to or for the benefit of the said persons.

Compensation to persons who have suffered by theft, &c.

XXXV. *Clause* 1.—Whoever has in his possession, or conveys in any manner, any thing which may be reasonably suspected of being stolen or fraudulently obtained, shall, if he fail to account satisfactorily how he came by the same, be liable to a penalty not exceeding one hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Fraudulent possession of stolen property.

Clause 2. If any person, charged with having or conveying any thing stolen or fraudulently obtained, shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant, to convey the same for some other person, the Magistrate may cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed (provided that such other person shall be alleged to have had possession of the same within the jurisdiction of such Magistrate), to be brought before him and examined, and shall examine witnesses upon oath touching the same; and if it appear to such Magistrate, that any person so brought before him had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be liable to a penalty not exceeding one hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Power to summon persons declared to have had possession of such property within the jurisdiction of the Magistrate.

Penalty if such possession fraudulent.

XXXVI. If any property, charged to be stolen or fraudulently obtained, shall be in the custody of any Police Officer by virtue of any warrant of a Magistrate, or in prosecution of any charge of felony or misdemeanor, in regard to the obtaining

Disposal of stolen property in custody of Police.

obtaining thereof, and the person charged with stealing or so obtaining possession thereof shall not be found, or shall have been summarily dealt with or discharged, or shall have been tried and acquitted, or if such person shall have been tried and found guilty, but the property so in custody shall not have been included in the indictment upon which he shall have been found guilty, it shall be lawful for any Magistrate to make an order for the delivery of such property to the party who shall appear to be the rightful owner thereof; or, in case the owner cannot be ascertained, then to make such order with respect to the property as to the Magistrate shall seem meet. Provided always, that no such order shall be any bar to the right of any person to sue the party to whom the property shall be delivered, and to recover such property from him by action at Law, so that the action be commenced within two months next after such order shall have been made.

Cases of assault, forcible entry, or injury, not being felony.

XXXVII. Whoever commits any assault, forcible entry, or other injury, accompanied with force, not being felony, against the person or property of any person whatsoever, shall be liable to a fine not exceeding one hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding four months. And if the penalty adjudged be a fine, the Magistrate may award the whole or any part thereof to the party aggrieved by way of satisfaction for such injury.

Assaulting Policeman in execution of duty.

XXXVIII. Whoever assaults or resists, or aids or incites any person to assault or resist, any Police Officer in the execution of his duty, shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment for any term not exceeding six months, with or without hard labor.

Penalty for escaping from a place of legal confinement.

XXXIX. Whoever escapes, or attempts to escape, out of any place of legal confinement, shall be liable to be imprisoned, with or without hard labor, for any term not exceeding three months; and such imprisonment shall commence and take effect from and after the expiration of any sentence of imprisonment under which such person may be confined at the time of committing the offence aforesaid.

XL. Whoever,

XL. Whoever, without satisfactory excuse, wilfully trespasses in or on any dwelling-house or premises, not thereby causing any actual damage, or on any ground belonging to Government, or appropriated to public purposes, shall be liable to a fine not exceeding twenty Rupees.

Penalty for wilful trespass on property.

XLI. Whoever, without lawful excuse, intentionally causes disturbance to any assembly or procession lawfully engaged in the performance of religious worship or religious ceremonies, shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment, with or without hard labor, for a term not exceeding six months, or to both.

Disturbing an assembly engaged in religious worship.

XLII. Whoever wilfully trespasses on the premises of any person, or on any place used or set apart for the performance of any religious ceremony, with intent to disturb any person in the performance of any religious rite or ceremony, or to offend the religious feelings of any person, shall be liable to a fine not exceeding one hundred Rupees.

Trespassing with intent to disturb any person in the performance of, or to insult, any religious ceremony, &c.

XLIII. If any person, having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for a Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty Rupees in the whole, as to the Magistrate shall seem reasonable; and if such person shall wilfully neglect to comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner hereinafter provided for levying fines; or may order him to be imprisoned, with or without hard labor, for any term not exceeding one month. Provided always, that any such person shall be at liberty to apply to the Magistrate, from time to time, for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child justifying such reduction.

Magistrate may make order of maintenance for wives and children.

XLIV. Whoever unlawfully takes away, or detains against her will, any woman or female child; or unlawfully takes, or entices

streets, thoroughfares, ghauts, and landing-places, and all other places of public resort, and preventing obstructions thereof on the occasion of such assemblies and processions; and in the neighbourhood of places of worship during the time of public worship; and in any case when the roads, streets, or thoroughfares, ghauts or landing places, may be thronged, or may be liable to be obstructed; and may give licenses for the use of music in the streets on the occasion of native festivals and ceremonies; and every person opposing or not obeying the orders so issued by the Commissioner of Police, or violating the conditions of such license, shall be liable to a fine not exceeding one hundred Rupees.

Licenses for use of music in streets.

LXXVIII. No boat shall ply for passengers in the Port of Calcutta, or in any of the Ports of the said Settlement, unless duly registered at the Police Office. The following particulars shall be entered in the Register :—

In Calcutta and the Ports of the Straits' Settlement, passenger boats to be registered.

First.—Number of the boat.

Second.—Name and residence of the owner, and of the manjee.

Third.—Number of the crew.

Fourth.—Number of persons the boat is permitted to carry.

The registration shall be in force for one year; and every change of the owner or manjee within that time shall be therein noted. A fee of one Rupee shall be paid on registration.

Registration.

The owner of every such registered boat shall cause to be painted on a conspicuous part of it, in the English and Vernacular languages, the registered number thereof, the number of the crew, and the number of passengers permitted to be carried.

Name of owner, number, &c., to be painted.

The owner of a boat plying for passengers without being duly registered, or carrying more passengers, or with a less crew, than is stated in the Register, or not having the prescribed particulars painted on it, shall be liable to a fine not exceeding fifty Rupees.

Penalty.

LXXIX. The

Commissioner may refuse to register unsafe boats, or, if registered may cancel the registry

LXXIX. The Commissioner may refuse to register any boat, or may cancel the registration thereof whenever it may appear to him to be in an unsafe state

Penalty for neglecting or delaying to report accident to a registered boat attended with loss of life.

LXXX. Whenever any accident shall occur to a registered boat, attended with loss of the life of any one of the crew or passengers, the manjee, or, if the manjee be not forthcoming, the owner of the boat, shall report the circumstances at the Police Office; and if the manjee or the owner, as the case may be without lawful excuse, neglect or delay to make such report, he shall be liable to a fine not exceeding fifty Rupees.

Penalty for the following offences in public streets, &c.

LXXXI. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police with the sanction of the Local Government, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable to a fine not exceeding twenty Rupees :—

Furious or negligent driving or riding

1. Whoever drives or rides any animal, or drives any vehicle, in a manner so rash or negligent as to indicate a want of due regard for the safety of others.

Driving, &c. elephant or camel

2. Whoever drives, rides, or leads any elephant or camel without permission from the Commissioner of Police.

Driving a vehicle without a sufficient light

3. Whoever drives any vehicle, of any description, at any time between three-quarters of an hour after sun-set, and one hour before sun-rise, without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moon-light to render such light unnecessary.

Exposing for show horses, or cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner

4. Whoever exposes for show, hire, or sale, any horse or other animal, or any carriage, or cleans or dresses any horse or other animal, or cleans any carriage or other conveyance, or makes or repairs any part of any cart or carriage, except in cases of accident, where repair on the spot is necessary; or trains or breaks any horse, except in such place and at such times as may be allowed by the Commissioner.

5. Whoever

5. Whoever negligently lets loose any horse, or suffers to be at large any ferocious dog without a muzzle, or sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal.

Letting loose horses, ferocious dogs, &c.

6. Whoever, by negligence or ill-usage in driving cattle, causes any mischief to be done by such cattle, or in any wise misbehaves himself in the driving, management, or care of such cattle, so as to cause mischief or obstruction

Negligence in driving cattle.

7. Whoever cruelly beats, abuses, or tortures any animal.

Ill-treating animals.

8. Whoever, being in charge of a cart, carriage, or horse, leaves it at such a distance as not to have the same under due control.

Leaving cart, &c without control

9. Whoever causes any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose ; or leaves any cart, carriage, or truck, or fastens any horse or other animal, so as to cause any obstruction in any thoroughfare.

Obstructing road or thoroughfare by carriage, &c.

10. Whoever leads or rides any horse or other animal, or draws or drives any cart, carriage, or truck upon any foot-way, or fastens any horse or animal, so that it can stand across or upon any foot-way.

Obstructing foot-way.

11. Whoever sets out, or exposes for sale in or upon any stall, booth, show-board, cask, or basket, or otherwise, any meat, fish, vegetable, fruit, groceries, or any other thing whatsoever, so as to cause obstruction in any thoroughfare.

Exposing articles for sale so as to cause obstruction.

12. Whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other metal instrument or utensil, except at such times and places as shall be from time to time allowed by the Commissioner of Police.

Beating drums, tom-tom, &c

13. Whoever,

13. Whoever sets fire to, or burns any straw or other matter, or lights any bon-fire, or wantonly discharges any fire-arm or air-gun, or lets off, or throws any fire-work, or sends up any fire-balloon, in or near any public street, road, or thoroughfare.

Lighting fires and discharging guns, fire-works, &c.

14. Whoever, without the consent of the Commissioner of Police, puts up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street.

Illuminations

15. Whoever, without the consent of the owner or occupier, affixes any bill or notice, or any paper against or upon any building, wall, or fence, or writes upon, defaces, or marks any such building, wall, or fence with chalk, or paint, or in any way whatsoever.

Affixing bills, or otherwise defacing houses, &c.

16. Whoever bathes or washes himself in any public street, or in, upon, or by the side of any public tank, reservoir, or aqueduct, not being a place set apart for such purpose.

Bathing, &c. in public street or aqueduct.

17. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing place, by wilful intrusion, or by using such place as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle, or dogs at or near such place, or in any other way.

Obstructing persons at bathing places

18. Whoever uses any indecent, threatening, abusive, or insulting words, or behaves in a threatening or insulting manner, with the intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

Indecent language.

LXXXII. Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous or indecent behaviour in any street or thoroughfare, or in any place of public amusement or resort; and whoever is guilty of any violent or indecent behaviour in any Police Office, Station, or Section House, shall

Penalty for drunkenness, or riotous or indecent behaviour in public.

shall be liable to a fine not exceeding twenty Rupees, or to imprisonment, with or without hard labor, for a term not exceeding fourteen days.

Penalty for destroying, &c. lamp-post, &c.

LXXXIII. Whoever destroys, injures, or disturbs any lamp-post, lamp-bracket, or lamp, or extinguishes any light therein, or abstracts or takes away any oil or other matter or thing therefrom, shall be liable to a fine not exceeding twenty Rupees, or, in default thereof, to imprisonment, with or without hard labor, for a term not exceeding fourteen days; and if the lamp-post or bracket or lamp belong to the Municipal Commissioners, the fine, if realized, shall be paid to the Municipal Fund.

Penalty for committing a nuisance in streets.

LXXXIV. Whoever wilfully and indecently exposes his person, or commits a nuisance, by easing himself in or by the side of or near to any public street or thoroughfare or place; shall be liable to a fine not exceeding ten Rupees, or, in default thereof, to imprisonment, with or without hard labor, for fourteen days.

Beggars.

LXXXV. Whoever, in any public road, street, thoroughfare, or place, begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment, or deformity, with the object of exciting charity, or of obtaining alms; or whoever seeks for, or obtains alms, by means of any false statement or pretences, shall be liable to imprisonment, with or without hard labor, for any term not exceeding one month.

Police Officer may arrest without warrant on view of offence.

LXXXVI. Any Police Officer may arrest, without a warrant, any person committing, in his view, any offence against this Act.

Police Officer may take into custody, without warrant, persons charged with aggravated assault recently committed.

LXXXVII. Any Police Officer may take into custody, without warrant, any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender.

LXXXVIII. Whoever

LXXXVIII. Whoever commits an offence on or with respect to the person or property of another, or, in committing an offence under this Act, injures or damages the person or property of another, may, if his name and address be unknown, be apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him, and may be detained until he give his name and address and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police Officer.

Apprehension of offenders by private individuals.

LXXXIX. If any person lawfully apprehended under the last preceding Section shall assault or forcibly resist the person by whom he shall be so apprehended, or any person acting in his aid, he shall be liable to a fine not exceeding 200 Rupees.

Penalty for assaulting or forcibly resisting a person who apprehends under the preceding Section.

XC. Every person taken into custody without a warrant by a Police Officer, shall be taken to the Station House, in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before a Magistrate.

Persons taken into custody by a Police Officer without warrant may be detained in Station House, until brought before a Magistrate or bailed.

XCI. Whenever any person is brought to a Station House charged with any offence against this Act, other than a felony; or whenever a person charged with a felony is in the custody of any Police Officer without a warrant—it shall be lawful for the Officer in charge of such Station House, or any superior Officer of Police, if he shall deem it prudent, and, in the case of felony, if he shall deem it probable that the person is falsely accused, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Power to take recognizances at the Station House upon certain charges.

XCII. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Magistrate at his next sitting, and the

Condition of recognizance.

the time and place of appearance, and the sum thereby acknowledged (not exceeding one thousand Rupees), shall be specified in the said recognizance, or in the condition thereof ; and the Officer taking the recognizance shall enter into a book, to be kept for the purpose, the name, residence, and occupation of the party, and his surety or sureties, (if any), entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

On suspicion of goods being stolen or unlawfully obtained, Commissioner of Police or Magistrate may grant search-warrant.

XCIII. If information shall be given on oath to the Commissioner of Police, or to a Magistrate, that there is reasonable cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, or any ship or vessel, the Commissioner or the Magistrate, by special warrant under his hand directed to any Police Officer, may cause such dwelling-house, building, or other place, or ship or vessel, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant; and the said Commissioner or Magistrate, if it shall appear to him necessary, may empower such Police Officer, with such assistance as may be found necessary, (such Officer having previously made known his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise ; and if, upon search thereupon made, such thing shall be found, then to convey the same before a Magistrate, or to guard the same on the spot until the offenders are taken before a Magistrate, or otherwise dispose thereof in some place of safety; and moreover to take into custody, and carry before the said Magistrate, every person found in such house or place, or ship or vessel, who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen, or otherwise unlawfully obtained.

Power to search houses for stolen property, without a warrant in certain cases.

XCIV. If information shall be given to any Officer of Police not below the rank of Inspector, that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and he shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant. the property is likely to be removed, the said Officer, in virtue of his

his office, may search for specific articles alleged to have been stolen in the houses and places specified; provided always, that a list of the articles stolen or missing be delivered or taken down in writing, with a declaration stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided further, that the person who lost the goods, or his representative, accompany the Officer in the search.

Magistrate may proceed by summons, and if party does not appear, may issue warrant.

XCV. Upon any information or complaint, which need not be upon oath, laid or made before a Magistrate of Police, of any matter which such Magistrate is by Law authorized to hear and determine summarily, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not appear according to the tenor of the summons, the Magistrate, upon proof of the service of the summons, may proceed, in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the non-appearance of the person charged, to hear and determine the case in his absence; or in such cases, and in all criminal cases, may, if he think fit, upon oath being made before him substantiating the matter of such information or complaint to his satisfaction, issue his warrant for apprehending and bringing the person charged before him or some other Magistrates in order that the said information or complaint may be heard and determined. Provided always, that the prosecution for any offence not of a criminal nature, punishable upon summary conviction by virtue of this Act, shall be commenced within three months after the commission of the offence, and not otherwise.

In cases not of a criminal nature, Magistrate may proceed in the absence of the person summoned.

Prosecution for such offences to be commenced within three months.

How summons may be served.

XCVI. Every such summons shall be served by delivering the original or a copy thereof to the person charged, or by leaving the same at his usual place of abode with some adult male member or servant of his family.

Magistrate may issue warrant without summons when grounds for doing so are stated on oath.

XCVII. A Magistrate may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence cognizable before him, whenever good grounds for so doing shall be stated on oath before him.

XCVIII. A

XCVIII. A Magistrate may summon any person within his jurisdiction to appear before him, at a time and place appointed, as a witness in any matter cognizable by the Magistrate, and to bring with him any document or thing that may be required relating to any offence with which any person is charged before him; and may administer to such person an oath to testify the truth in such matter. If any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, the Magistrate may (after proof upon oath of the summons having been served upon such person either personally or by leaving the same at his usual place of abode with some adult male member or servant of his family) issue a warrant to bring such person before him to testify as aforesaid. If, on the appearance of the person summoned, either in obedience to the summons or by virtue of a warrant, he shall refuse to be examined upon oath, or to answer all such questions as shall be put to him, or to produce any such document or thing, without offering a good excuse for such refusal, he shall be liable to a fine not exceeding fifty Rupees, or the Magistrate may commit such person to prison, there to remain for any time not exceeding one month, unless he shall sooner submit himself to be sworn or examined, or to produce the document or thing required.

Magistrate may enforce attendance of witnesses.

And administer oath.

Punishment of witness refusing to answer.

XCIX. When any Magistrate is desirous of examining any prisoner confined in a Jail or House of Correction as a witness or defendant, with respect to any charge, case, or proceeding pending before him, it shall be lawful for such Magistrate to issue an order addressed to the Keeper or Governor of the said Jail or House of Correction, requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Police Office, for examination; and the Keeper or Governor of the said Jail or House of Correction, on the receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from prison for the purpose aforesaid.

Power to Magistrates to order prisoners to be brought up to the Police Office.

C. Whoever commits perjury in any judicial proceeding before a Magistrate, may be committed by such Magistrate for trial before Her Majesty's Supreme Court of Judicature.

Perjury.

CI. The

CI. The Magistrate may, from time to time adjourn the hearing of any information or complaint to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or their respective counsel, attorneys, or agents then present, and in the meantime the said Magistrate may suffer the defendant to go at large, or may discharge him upon his entering into a recognizance, with or without surety or sureties, conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned; and, in default of such recognizance, or if the offence with which such person is charged is not a bailable offence, may detain him in custody; and if, at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear personally, or by his or their counsel, attorneys, or agents respectively, before the said Magistrate, or such other Magistrate as shall then be there, it shall be lawful for the Magistrate then there present to proceed, in cases which are not of a criminal nature, to such hearing or further hearing, as if such party or parties were present; and in all cases where the prosecutor or complainant shall not so appear, the said Magistrate may dismiss such information or complaint with or without costs, as to such Magistrate shall seem fit.

Power to Magistrates to adjourn the hearing of cases and commit defendant, or suffer him to go at large, or discharge him upon his own recognizance.

In cases not of a criminal nature, Magistrate may proceed with the further hearing in the absence of parties.

In all cases, if prosecutor fails to appear, complaint may be dismissed.

CII. It shall be lawful for any Magistrate, who shall hear and determine any information or complaint, to award such costs as to him shall seem meet, to be paid to or by either of the parties to the said charge or complaint; and such costs shall be recoverable in the manner hereinafter provided for levying fines.

Power to award costs on hearing of information or complaint.

CIII. In every case in which any person shall be given in charge to a Police Officer, or in which any information or complaint of any offence shall be laid or made before any Magistrate, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the charge, the Magistrate shall have power to award such amends, not exceeding fifty Rupees,

Amends may be awarded for charges made on insufficient grounds.

Rupees, to be paid by the informer or complainant to the party informed or complained against, for his loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner hereinafter provided for levying fines.

Compromise.

CIV. It shall be lawful for any person to compromise any of the offences specified in this Act, not being felonies, after complaint thereof has been made; provided that the offence is of such a nature as the injured party might have sued and recovered damages for in an action at law.

Levy of fines.

CV. All fines and penalties imposed by a Magistrate of Police under the authority of this Act, or of any other Act heretofore passed, or which shall hereafter be passed, if no other means for enforcing the payment of such fines and penalties are or shall be provided by such Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate. When a warrant of distress is issued, the Magistrate may order the offender to be detained and kept in safe custody until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Magistrate, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Magistrate whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and, upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Magistrate, he shall, by warrant, commit the offender to jail, there to be imprisoned, according to the discretion of the Magistrate, for any term not exceeding two months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

CVI. No

CVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Distress not unlawful for want of form, &c

CVII. If any person, upon entering into such recognizance as is by this Act authorized to be taken, do not afterwards appear pursuant to such recognizance, the Magistrate before whom he ought to have appeared shall certify the fact of such non-appearance on the back of the recognizance, and thereupon the sum thereby acknowledged shall be recoverable in the manner provided by this Act for levying fines.

If Magistrate certifies the non-appearance of a person pursuant to his recognizance, the sum acknowledged may be recovered as a fine

CVIII. *Clause* 1.—Every Magistrate of Police shall have the same authority to require persons to enter into recognizances to keep the peace or to be of good behaviour as may lawfully be exercised by a Justice of the Peace.

Recognizances for keeping the peace or for good behaviour.

Clause 2.—If any person who has entered into a recognizance in any amount not exceeding Rupees 200, to keep the peace or to be of good behaviour, before any Magistrate of Police or any Justice of the Peace, by any act forfeits such recognizance, the Magistrate or other authority before whom he may be convicted of any act by which such recognizance is forfeited, shall, when applied to, certify any such conviction on the back of such recognizance, and thereupon the sum thereby acknowledged to be due by such person shall be recoverable in the manner provided by this Act for levying fines.

If such recognizance do not exceed 200 Rupees, the amount, upon conviction, if forfeited, may be recovered as a fine.

Clause 3.—Whenever it shall be shown to the satisfaction of a Magistrate of Police, either by the production of such certificate of conviction as is mentioned in the preceding Clause or otherwise, that any such recognizance is forfeited, the Magistrate

Proceeding against sureties.

Magistrate, if he think that proceedings should be had against the sureties, shall give notice to them to pay the sums which by their recognizances they have respectively acknowledged themselves to owe, or to show cause on a day to be named in such notice, why the said sums should not be paid; and if no sufficient cause shall be shown, the said sums shall be recoverable in the manner provided by this Act for levying fines.

Powers of Court of Petty Sessions at Bombay as to the issue of summonses and other process.

CIX. All powers and authorities conferred on a Magistrate of Police by this Act, relating to the issue of summonses and other process, to enforce the attendance of prosecutors, defendants, and witnesses, and to the issue of warrants of distress and commitment, shall be exercised by the Court of Petty Sessions at Bombay, and all summonses to parties to appear before that Court may issue under the signature of any Magistrate or of the Clerk of the Court.

Form of judgment.

CX. Any Magistrate, in cases adjudged summarily under the provisions of Sections XXVII, XXVIII, XXIX, and XXX of this Act, shall cause the judgment to be drawn in the form (B) hereinafter provided, or to the like effect.

Conviction to be quashed on merits only. Form of conviction, &c.

CXI. No conviction, order, or judgment of any Magistrate, or in Bombay of the Court of Petty Sessions, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

Limitation of action.

Notice of action.

CXII. All actions and prosecutions against any person, which may be lawfully brought for any thing done, or intended to be done, under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant

defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

Tender of amends.

Costs.

CXIII. Whenever any person dies intestate within any of the said Towns or Stations leaving moveable property therein under two hundred Rupees in value, which property is, in the absence of any person entitled thereto, taken charge of by the Police for the purpose of safe custody, it shall be lawful for the Commissioner of Police to order the said property to be delivered, without letters of administration taken out, to any person claiming to be entitled to the whole or any part thereof; provided he shall be satisfied of the title of the claimant, and of the value of the property, by the oath or affirmation of the claimant. or by such other evidence as he may require.

Moveable property of persons dying intestate under two hundred Rupees in value may be taken charge of by Police, and delivered to party claiming to be entitled thereto.

CXIV. The Commissioner of Police may, at his discretion, before making any order under the preceding Section, take such security as he may think proper for the due administration and distribution of such property. And nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

Commissioner of Police may take security for due administration and distribution of such property.

Saving of right of other person claiming.

CXV. It

CXV. It shall be lawful for all persons, and it is hereby declared to be the special duty of all Police Officers, to seize all cattle or other animals found straying upon the roads, streets, or thoroughfares, or trespassing on any of the grounds or property of the inhabitants, and to confine such animals in any public pound, which shall for such purpose be, from time to time, appointed by the Commissioner of Police; and if such animals shall not be respectively redeemed by the owners of the same within ten days after being so pounded, by paying to the person to be appointed by the said Commissioner to have charge of such pound, the fee of eight annas for every goat, sheep, or hog, and one Rupee for every other animal, together with the expenses of feeding the same while impounded, according to a daily rate to be settled by the said Commissioner, such animal so impounded shall be publicly sold, and the produce of such sale, after paying the said fee, and also the expenses of feeding, shall be paid to the owners of such animal, or, in default of their claiming such produce for the space of fifteen days after such sale, shall be retained by the said Commissioner, and credited to the Police Superannuation Fund.

Stray animals to be impounded and sold unless redeemed within ten days.

CXVI. It shall be lawful for the Commissioner of Police, by order in writing to be affixed at the principal Police Stations, and also to be published in some public newspaper, to appoint from time to time certain periods within which any dogs found straying in the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

Stray dogs to be killed at certain appointed periods.

CXVII. Any Magistrate, upon an application being made to him by the Consul of any Foreign power to which the Foreign Deserters' Act (1852) has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign power, may, until a revocation of such order in Council shall have been publicly notified, issue his warrant for the apprehension of any such Deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to, sail

Foreign Deserters.

sail, on deposit being first made of such sum as the Magistrate shall deem necessary for the subsistence of the Deserter during such detention; provided that the detention of such Deserter shall not be continued beyond twelve weeks,

Commencement of Act

CXVIII. This Act shall commence and take effect from and after the 1st of November 1856.

SCHEDULE.

LAWS REPEALED.

So much of Section CLIX of the Statute 33 George III, Chapter 52, as relates to the sale of Arrack or other spirituous liquors, and to the punishment of unlicensed traders in spirits or spirituous liquors, as is now in force in any of the Towns or Factories therein mentioned.

Act No. XXII of 1840, entitled "An Act for the punishment of Vagrants within the Towns of Calcutta and Madras and the Islands of Bombay and Colaba extorting alms by offensive and disgusting exhibitions and practices."

Calcutta.

Act No. XXI of 1839, entitled "An Act for the trial of prisoners charged with the commission of certain petty offences in the Town of Calcutta and on the River Hooghly."

Act No. III of 1842, entitled "An Act for extending the provisions of Act XXI of 1839, to certain petty thefts, not being cases of simple larceny."

Section XII of Act No. XI of 1849, entitled "An Act for securing the Abkaree Revenue of Calcutta."

Act No. XIII of 1852, entitled "An Act for consolidating and amending the Regulations of the Calcutta Police."

Madras

Madras.

A Rule, Ordinance, and Regulation called "A Regulation for establishing an efficient system of Police."

A Rule, Ordinance, and Regulation called "A Regulation for apprehending and punishing idle and disorderly persons."

A Rule, Ordinance, and Regulation called "A Regulation for the prevention and punishment of dishonest practices, of the misconduct of servants, and of affrays and other misdemeanors."

A Rule, Ordinance, and Regulation called "A Regulation for granting Licenses to Venders of Spirituous and other Intoxicating Liquors."

A Rule, Ordinance, and Regulation called "A Regulation for registering and controlling Gold and Silver-smiths, Shroffs, Hawkers, China Bazarmen, Shop-keepers, Second-hand Dealers, Shipping Dubashes, Head Coolymen, Head Bandy-men, Head Carpenters, Smiths, Bricklayers, Tailors, and all Head-men or Maistrees in every other trade or occupation."

A Rule, Ordinance, and Regulation called "A Regulation for Markets."

A Rule, Ordinance, and Regulation called "A Regulation for rating the wages of Coolies, Artificers, and Workmen of every description."

A Rule, Ordinance, and Regulation called "A Regulation for punishing the offences of Boatmen."

A Rule, Ordinance, and Regulation called "A Regulation for preventing accidents from the negligence of the persons in charge of Horses, Carriages, Carts, or other conveyances."

Act No. VIII. of 1849, entitled "An Act for assimilating the penal jurisdiction of Police Magistrates at Madras to that of Justices of the Peace at Calcutta"

Sections III. and V. of Act XXII of 1837.

Section XII of Act No. XIX of 1852, entitled "An Act for securing the Abkaree Revenue of Madras."

Bombay

Bombay.

Rule, Ordinance, and Regulation II. 1812, called "A Rule, Ordinance, and Regulation for vesting a control in the sale of Arrack or other Spirituous Liquors beyond the limits of the Town of Bombay, and on the Island generally, in His Majesty's Justices of the Peace."

Rule, Ordinance, and Regulation I. 1813, called "A Rule, Ordinance, and Regulation for compelling those who are able to support their infant relations, and for subjecting the numerous aliens who pass over to the Island of Bombay from the Marhatta Territories, to certain restrictions."

Rule, Ordinance, and Regulation II. 1813, called "A Rule, Ordinance, and Regulation to diminish the number of Pariar Dogs, having no owners, on the Island of Bombay, and to authorize the erection of public pounds for animals straying or trespassing on the public streets or roads of the Island, or on the grounds of the inhabitants thereof."

Rule, Ordinance, and Regulation I. 1814, called "A Rule, Ordinance, and Regulation for vesting any two of His Majesty's Justices of the Peace with power to decide on all disputes arising between Masters and Mistresses and any of their household servants, Hamauls, or Palanqueen-bearers, and for empowering either of the Magistrates of Police to decide summarily on acts of miscarriage and ill-behaviour requiring moderate though immediate correction.

Rule, Ordinance, and Regulation I. 1815, called "A Rule, Ordinance, and Regulation for vesting in His Majesty's Justices of the Peace a general control over the sale of Toddy and all other rmentedfe or intoxicating Liquors throughout the Island of Bombay."

Rule, Ordinance, and Regulation I. 1818, called "A Rule, Ordinance, and Regulation to repeal Rule, Ordinance, and Regulation II. 1815, and to make more effectual provisions for widening the wheels of Carts, Hackeries, and other native conveyances."

So much of Rule, Ordinance, and Regulation I. 1820, called "A Rule, Ordinance, and Regulation for establishing an effective control over the Shipping resorting to the Port of Bombay, for preventing the desertion of the Crew of Ships, the European Soldiers of the Garrison offering themselves

selves as seamen, and for the better security of the Harbour and Dockyard of Bombay," as is now in force.

So much of Rule, Ordinance, and Regulation I. 1821, called "A Rule, Ordinance, and Regulation for modifying the provisions of Rule, Ordinance, and Regulation I. of 1820, relating to Ballast for Ships," as is now in force.

So much of Rule, Ordinance, and Regulation II. 1827, called "A Rule, Ordinance, and Regulation for better defining and extending the Powers and Jurisdiction of the Court of Petty Sessions, and of Magistrates of the Police; and for amending and consolidating into one Rule, Ordinance, and Regulation, sundry provisions relating to such Powers and Jurisdiction," as is now in force.

Rule, Ordinance, and Regulation I. 1834, called "A Rule, Ordinance, and Regulation for repealing Titles 1st, 2nd, and 3rd of Rule, Ordinance, and Regulation II of 1827," except Articles I, II, V, VI, VII, and VIII of Title II (relating to the Constitution of the Court of Petty Sessions) so far as they are now in force.

So much of Act No. VII of 1836, as relates to any Law hereby repealed.

Act No. XVIII of 1840, entitled "An Act to regulate the granting and withholding licenses for the sale of Liquors within the Islands of Bombay and Colaba."

Act No. III of 1841, entitled "An Act for the trial of Prisoners charged with the commission of certain offences within the Islands of Bombay and Colaba, and the Harbour of Bombay."

Act No. IX of 1851, entitled "An Act for the prevention of Gambling in Bombay."

Settlement of Prince of Wales' Island, Singapore, and Malacca.

Act No. III of 1847, entitled "An Act to provide for the appointment of Constables and Peace Officers at the Settlement in the Straits."

Act No. XIV of 1850, entitled "An Act for assimilating the Penal Jurisdiction of Police Magistrates at the Straits' Settlements to that of Justices of the Peace at Calcutta."

Act No. XL of 1850, entitled "An Act for licensing Pawn-brokers in the Settlements of Prince of Wales' Island, Singapore, and Malacca," except Sections II and III.

Act No. XXXIV of 1852, entitled "An Act for the prevention of Gambling in the Settlement of Prince of Wales' Island, Singapore, and Malacca"

Section VIII of Act XIV of 1851, entitled "An Act for consolidating the Laws for collecting a Revenue of Excise on spirituous liquors and intoxicating drugs in the Settlement of Prince of Wales' Island, Singapore, and Malacca."

SCHEDULE OF FORMS.

Form A.

A. B. has been appointed a Superintendent, Inspector, Jemadar, Darogah, or Peon, *(as the case may be)* in the ( ) Police Force, and is vested with the powers, functions and privileges of a Constable.

Form B.

Be it remembered that, on the day of in the year of our Lord before me ( ) Magistrate of Police in and for ( ) C. D. is *(convicted or acquitted)* on a charge of *(here specify the alleged offence and the time and place when and where the same was committed as the case may be,)* and I, the said Magistrate of Police, believe the value of the property, the subject of the charge, to amount to a sum not exceeding fifty Rupees, that is to say Rupees; and I adjudge the said C. D. *(here state that the prisoner is to be discharged, or the punishment he is to suffer, as the case may be.)*

(Signed) _____

BENGAL SECRETARIAT LIBRARY

ACT No. XIV of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 13th June 1856.)

AN ACT *for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.*

Preamble.

WHEREAS it is expedient to make better provision for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca, and to invest the Municipal Commissioners for each of the said Towns and Stations with the powers hereinafter mentioned; It is enacted as follows:—

Acts, &c. repealed.

I. The several Acts, and Rules Ordinances and Regulations, mentioned in the Schedule hereunto annexed, are hereby repealed, except so far as they repeal the whole or any part of any other Act, or Rule Ordinance and Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

Interpretation.

II. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say)—

The

PRICE 8 ANNAS AND 9 PIES.

"Local Government."

The expression "Local Government" shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the Territories in the possession and under the Government of the East India Company in which the Town or Station is situated.

"The Municipal Commissioners."
"The Commissioners."

The expressions "The Municipal Commissioners" and "The Commissioners" shall mean the persons, however designated, for the time being constituted by Law to administer the funds applicable to the purposes of conservancy and improvement in the Town or Station for which they are so constituted.

"Town."

The word "Town" shall include all places within the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay.

"Station."

The word "Station" shall mean any one of the Stations of Prince of Wales' Island, Singapore, and Malacca, and the dependencies thereof.

"Street."

The word "Street" shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway, within such parts of the said Towns and Stations as shall be from time to time specially defined by the Commissioners with the sanction of the Local Government; and the expression "in or near any street" shall designate any place within such defined parts of the said Towns and Stations.

"In or near any Street."

"Road."

The word "Road" shall mean any road, or thoroughfare, over which the public have a right of way, or any roadway over any public bridge or causeway, not being within the parts so specially defined.

"Land."

The word "Land" shall include messuages, buildings, tenements, and hereditaments of any tenure.

Words

Number. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

"Person." The word "person" shall include a corporation.

"Month." The word "month" shall mean calendar month.

"Oath." The word "oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Magistrate." The word "Magistrate shall mean any Magistrate of Police acting for the Town or Station where the matter requiring the cognizance of a Magistrate arises.

"Owner." The word "Owner" shall mean the person for the time being receiving the rent of the land or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person, shall be liable to do any thing by this Act required to be done by the owner of such land or premises, unless he have sufficient funds of the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of the owner sufficient to defray the expense of doing the act required.

III. The Municipal Commissioners may from time to time appoint all such officers as they shall think necessary and proper to assist in the execution of this Act; and may from time to time remove any of such officers and appoint others in their place; and may, out of the funds applicable to the purposes of this Act, with the sanction of the Local Government, pay such salaries to the said officers respectively as the Commissioners shall think reasonable. Provided that no person shall be appointed

Commissioners to appoint officers.

appointed to, or removed from any office, the monthly salary of which exceeds two hundred Rupees, without the sanction of the Local Government.

Property vested in Commissioners.

IV. All property, moveable and immoveable, purchased or otherwise acquired before the passing of this Act by the Commissioners or other persons, however designated, heretofore lawfully administering the funds applicable to the Conservancy and Improvement of the said Towns and Stations respectively, and now vested in them or in any persons in trust for them for any such purposes, shall, after the passing of this Act, be vested in the Municipal Commissioners for the said Towns and Stations respectively as trustees for the purposes of this Act.

Streets and roads vested in the Commissioners.

V. All public streets and roads (not being the property of the East India Company and kept under the control of the Local Government), existing at the time of the passing of this Act, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets and roads, shall be vested in and belong to the Commissioners.

Power to make and improve streets and roads.

VI. The Commissioners, with the consent of the Local Government, may lay out and make new streets and roads, and may build and construct bridges and tunnels; and may turn, divert, discontinue, or stop up, any public street or road; and may widen, open, enlarge, or otherwise improve, any such street or road; making due compensation to the owners and occupiers of any land, houses, or buildings which may be required for any such purposes.

Power to take land adjoining new streets for building purposes.

VII. In laying out new streets, in addition to the land required for the carriage-ways and foot-ways thereof, the Commissioners, with the consent of the Local Government, may purchase also the land necessary for the houses and buildings to form the said street, and may sell and dispose of the same with such stipulations and conditions as to the class and description of houses or buildigns to be erected thereon as they shall think fit. Provided that, if any land be taken under the provisions of this Act, compensation shall be made to the owners for any damage which may be done thereby to any adjoining land or buildings of such owner.

Compensation for damage to adjoining land.

VIII. The

VIII. The Commissioners may agree with the owners of any land for the absolute purchase thereof for the purpose of laying out and making new streets and roads, or of widening, enlarging, or otherwise improving any of the public streets or roads.

Power to agree for purchase of land for improving streets or roads.

IX. The Commissioners shall, so far as the funds at their disposal will admit, from time to time cause the public streets and roads to be maintained and repaired; and from time to time may cause the same to be paved, metalled, flagged, channelled, sewered, or otherwise improved, and the surface thereof to be raised, lowered, or altered, as they may think fit; and may also make and keep in repair any footways for the use of passengers in any such street or road, and also from time to time place on the sides of such footways or otherwise such fences and posts as may be needed for the protection of foot passengers.

Maintenance and repair of streets and roads.

Footways.

X. The Commissioners shall cause the streets, including the footways thereof, from time to time to be properly swept and cleansed; and the dust, dirt, ashes, rubbish, and filth of every sort found thereon, to be collected and removed.

Cleansing streets.

XI. The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, ashes, and rubbish may be temporarily deposited, until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in streets to cause all such matter as aforesaid to be deposited daily or otherwise periodically in the said receptacles; and every person who, after such receptacles have been provided, and after such requisition as above mentioned, shall deposit, or cause or permit to be deposited, any such matter in any street, except in such receptacles, shall be liable to a penalty not exceeding ten Rupees.

Dust boxes in streets.

XII. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden, kitchen, or stable refuse, or filth of any kind, or any animal matter, or any broken glass

Depositing dirt on streets, &c.

glass or earthen-ware or other rubbish, in any street, or on any public quay, jetty, ghaut, or landing-place, or on any part of a river-bank, or of the sea-shore, whether above or below high-water mark, except in such places and in such manner, and at such hours as shall be fixed by the Commissioners, shall be liable to a penalty not exceeding ten Rupees.

Allowing sewerage to flow on streets.

XIII. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being on his land, to run, drain, or be thrown or put upon any street, or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street, shall be liable to a penalty not exceeding ten Rupees.

Removal of night-soil.

XIV. The Commissioners from time to time may fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter; and when the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and also whoever, at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel not having a covering proper for preventing the escape of the contents thereof or of the stench therefrom, or who slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or who places or sets down in any public place any vessel containing such offensive matter, or who drives or takes or causes to be driven or taken any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall from time to time be appointed for that purpose by the Commissioners by public notice, shall be liable to a penalty not exceeding twenty Rupees.

Places of deposit for filth.

XV. The Commissioners from time to time shall provide places convenient for the deposit of the night-soil, dung, and other filth, and the dust, dirt, ashes, and rubbish, collected and removed under the authority of this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes

of

of this Act, and for any of such purposes, the Commissioners may purchase or take on lease any land or buildings by them considered necessary, or may cause any new building to be made upon any land to be purchased or hired by them.

All rubbish, &c. collected to be the property of the Commissioners.

XVI. All dirt, dust, ashes, rubbish, sewerage, soil, dung, and filth, collected from the streets, houses, privies, sewers, and cesspools, shall be the property of the Commissioners, who shall have power to sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall be applied to the purposes of this Act.

Watering streets.

XVII. The Commissioners, so far as the funds at their disposal will admit, and so far as they may deem requisite for the public convenience, shall cause the public streets and roads to be watered; and for that purpose may provide such works and engines as they may think necessary.

Lighting streets.

XVIII. The Commissioners, so far as the funds at their disposal will admit, shall provide lamps, lamp-posts, and such other means as they may deem necessary for lighting such of the public streets and roads as they shall consider to require lighting; and shall cause the said lamps to be kept in fit order, and shall employ a sufficient number of persons to cleanse, prepare, and light the same; and shall also from time to time increase or otherwise alter the number and situation of the said lamps, as to them shall appear necessary.

Future obstructions in streets or roads.

XIX. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment, in any public street or road, or in or over any open drain, sewer, or aqueduct along the side of any such street or road after the passing of this Act, shall be liable to a penalty not exceeding one hundred Rupees; and

Power to remove.

the Commissioners shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided. Nothing herein contained

Temporary obstructions on occasions of festivals, &c.

shall prevent the Commissioners, with the concurrence of the Commissioner of Police, from allowing any temporary

porary erections in any public street or road on occasions of festivals and ceremonies.

Taking up pavements.

XX. Whoever displaces, takes up, or makes any alteration in the pavement, flags, or other materials, or in the fences or posts of any public street, without the consent in writing of the Commissioners, or without other lawful authority, shall be liable to a penalty not exceeding fifty Rupees.

Private persons laying out new streets.

XXI. Every person who intends to make or lay out any new street, shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street; and the level and width of every such street shall be fixed or approved by the Commissioners; and whoever lays out, makes, or builds upon any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a penalty not exceeding five hundred Rupees; and the Commissioners may, if they think fit, cause any such street, laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid, to be altered; or may cause any building erected in any such street otherwise than in accordance with such level and width, to be altered, or if necessary removed, and the expenses thereby incurred shall be paid to them by the offender and be recoverable as hereinafter provided. If no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the Commissioners within one month, the intended street may be laid out and made upon the level and of the width specified in the notice.

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Erection of new huts to be under the control of the Commissioners.

XXII. It shall not be lawful for any person to erect in or near any street any hut or any range or block of huts on any plot or parcel of ground not previously built upon, or on which no huts are standing, without previous notice to the Commissioners; and the Commissioners may require such hut or huts to be built so that they may stand in regular lines with a free passage or way in front of each line, of such width as the Commissioners may think proper for salutary ventilation, and to facilitate scavengering, and at such a level as will admit of sufficient drainage. And if any such hut or huts be built

built without giving such notice to the Commissioners, or otherwise than as required by the Commissioners, the Commissioners may give notice to the builder or builders thereof to take down and remove the same within one month, and if such hut or huts be not taken down or removed according to such notice, the Commissioners may cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said builder or builders, and shall be recoverable as hereinafter provided.

Power of Commissioners as to existing huts.

XXIII. Whenever the Commissioners, by report of competent persons, are satisfied that any existing block of huts, in or near any street, is, by reason of the manner in which the huts are huddled together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may, with the consent of the Local Government, cause a notice to be affixed to some conspicuous part of such block of huts, requiring the owners or occupiers thereof, within such reasonable time as may be fixed by the Commissioners for that purpose, to execute such operations as the Commissioners may deem necessary for the avoidance of such risk. And in case such owners or occupiers shall refuse or neglect to execute such operations within the time appointed, the Commissioners may cause the said huts to be taken down, or such operations to be performed in respect of such huts, as the Commissioners may deem necessary to prevent such risk. If such huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected; and the proceeds shall be paid to the owner of the hut, or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent Court for the payment of the same. The Courts of Small Causes for Calcutta, Madras, and Bombay, shall respectively be deemed competent Courts for that purpose.

Paving, &c. of private streets.

XXIV. If any street (not being a public street), or any part thereof, be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the premises fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag,

flag, channel, and sewer the same within a time to be specified in such notice, and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein; and the expenses incurred by them in so doing shall be paid by the owners in default according to the frontage of their respective premises, and in such proportion as shall be settled by the Commissioners, or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses; and such expense shall be recoverable as hereinafter provided. Provided always,

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that, after such street shall have been so levelled, paved, metalled, flagged, channelled, and sewered, on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the funds at their disposal for the purposes of this Act.

Certain streets to be deemed public and repaired by the Commissioners.

XXV. If any street (not being a public street) be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, if they think fit, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street and be from time to time repaired by them out of the funds at their disposal. Provided that no street shall become a

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public street as last aforesaid if, within one month after such notice in writing, the owner of such street, or any one of the owners, shall, by notice in writing to the Commissioners, object thereto.

Houses may be set forward for improving line of streets.

XXVI. The Commissioners may, upon such terms as they think fit, allow any house or building to be set forward for improving the line of any public street in which such house or building is situated.

Houses projecting beyond line of street when taken down to be set back.

XXVII. When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be re-built or altered, the Commissioners may require the same to be set back to or towards the line of the street or the line

line of the adjoining houses or buildings. Provided always, that the Commissioners shall make full compensation to the owner of any such house or building for any damage he may thereby sustain; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

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XXVIII. The Commissioners may, from time to time, cause to be put up or painted on a conspicuous part of some house, building, wall, or place at or near each end, corner, or entrance of every street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a penalty not exceeding twenty Rupees.

Names of streets.

XXIX. The Commissioners may, from time to time, fix a number in a conspicuous place on the outer side of any house or building, or at the entrance of the enclosure thereof fronting the street; and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding twenty Rupees.

Numbers on houses.

XXX. All doors, gates, bars, and ground-floor windows put up after the passing of this Act, which open upon any public street, shall be hung or placed so as not to open outwards, except when the same are hung or placed in such manner as, in the judgment of the Commissioners, to cause no obstruction in any such street; and if (except as aforesaid) any such door, gate, bar, or window be hung or placed so as to open outwards on any such street, the owner of the premises to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do, the Commissioners may make such alteration, and the expense thereof shall be paid by such owners and shall be recoverable as hereinafter provided.

Doors not to open outwards.

Exception.

XXXI. If any door, gate, bar, or ground-floor window put up before the passing of this Act is hung or placed so as to open outwards upon any public street, the Commissioners may alter the

Doors opening outwards to be altered.

the same, so that no part thereof, when open, shall project over any such street so as to cause an obstruction.

Troughs and pipes to be fixed to houses.

XXXII. The owner of every house or building in any public street shall, within eight days after notice from the Commissioners to that effect, put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other part of such house or building, and for discharging the same in such manner that it shall not fall upon the persons passing along the street; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a penalty not exceeding ten Rupees for every day that he shall so make default.

Future projections from houses to be removed.

XXXIII. The Commissioners may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction, which, after the passing of this Act, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment or obstruction, or alter the same in such manner as shall have been directed by the Commissioners; and in default thereof, shall be liable to a penalty not exceeding two hundred Rupees; and the Commissioners in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided. Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house or building. Provided always, that the roofs or eaves of houses or buildings, sun-shades, weather-frames, and the like, at a height not less than twelve feet above the surface of any street, may be projected to the extent of three feet over the same.

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Sun-shades, &c.

XXXIV. The

XXXIV. The Commissioners may cause any such projection, encroachment or obstruction, erected or placed against or in front of any house or building, in any public street, before the passing of this Act, to be removed or altered as they think fit; provided that they give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Removal of existing projections from houses.

Notice of removal.

Compensation when to be made.

XXXV. The Commissioners may give permission in writing to the owners or occupiers of houses or buildings in public streets, the width of which is not less than twenty-five feet, to put up verandahs, balconies, sun-shades, weather-frames, and the like, to project from any upper-story thereof over the street, to an extent not exceeding four feet from the foundation, and, for special reasons, to allow such projections to be extended to five feet.

Commissioners may allow certain projections from houses.

XXXVI. The external roofs and walls of huts or other buildings erected or renewed in or near any street after the passing of this Act, shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building in or near any street now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain for a longer time than two years after the passing of this Act, unless with the consent in writing of the Commissioners; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for every day that such roof or wall shall continue.

Roofs and external walls of houses not to be made of combustible materials.

XXXVII. If,

XXXVII. If, in any street, any house, building, or wall, or any thing affixed thereon, be deemed by the Commissioners to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of the said premises or otherwise to be given to the occupier thereof (if any) requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of such house, building, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses incurred by the Commissioners shall be paid by the owner of the premises and shall be recoverable from him as hereinafter provided.

Houses in a ruinous and dangerous state

XXXVIII. If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof or of so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall on demand. The Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Act are given to them for compelling the payment of the whole of the said expenses.

Sale of materials of ruinous houses.

XXXIX. If any building or land, by reason of abandonment or of disputed ownership or other cause, shall remain untenanted and thereby become a resort of idle and disorderly persons, or be complained of by any two or more of the neighbours as a nuisance, the Commissioners,

Power to shut up and secure deserted houses.

Commissioners, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, whoever they may be, to secure or enclose the same; and if such notice shall not be complied with within eight days, the Commissioners shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the premises and shall be recoverable as hereinafter provided.

Penalty on occupier of a house not removing filth.

XL. Whoever, being the occupier of a house in or near any street, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter. in or upon the roof of such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same. shall be liable to a penalty not exceeding fifty Rupees.

Filthy houses, &c.

XLI. Whoever, being the owner or occupier of any house, building, or land, in or near any street, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation, shall be liable to a penalty not exceeding fifty Rupees, and to a penalty not exceeding five Rupees for every day after conviction for such offence during which the offence is continued.

Power to trim hedges and trees bordering roads.

XLII. The Commissioners may give notice to the owner or occupier of any land to trim or prune the hedges thereof bordering any public road or street, so that they may not exceed the height of seven feet from the level of the road; and to cut and trim all trees overhanging any public road or street, so as to obstruct the passage or to cause damage thereto; and in the event of such notice not being complied with within eight days from the date thereof, the Commissioners may cause the said hedges and trees to be cut and trimmed in the manner required;

and

and the expense incurred by the Commissioners in respect thereof shall be paid to them by the owners and shall be recoverable as hereinafter provided.

Keeping swine, &c. in or near any street.

XLIII. Whoever keeps any pig-stye to the front of any street, not being shut out therefrom by a sufficient wall or fence, or who shall keep any swine in or near any street, so as to be a nuisance to the neighbourhood; or who shall, without the permission of the Commissioners, keep more than twenty sheep or goats, or ten horned cattle, in or near any street, shall be liable to a penalty not exceeding fifty Rupees.

Sewers, drains, &c. vested in the Commissioners.

XLIV. All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, and under the streets and roads existing at the time of the passing of this Act, or afterwards made, and whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto, shall be vested in and belong to the Commissioners.

Commissioners to make public sewers.

XLV. The Commissioners, so far as the funds at their disposal will admit, shall from time to time cause to be made such main and other sewers as they may judge necessary for the effectual draining of the Town or Station under their authority; and, if needful, they may carry such sewers through, across, or under any street, or any place laid out as or intended for a street, or any cellar or vault which may be under any of the streets, and (after reasonable notice in writing in that behalf) into, through, or under any inclosed or other lands whatsoever, doing as little damage as may be, and making full compensation for any damage done; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Commissioners to repair and alter and discontinue sewers.

XLVI. The Commissioners shall maintain, and from time to time repair, and as they see fit enlarge, alter, arch-over, or otherwise improve all or any of the sewers and drains vested in them by this Act; and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary. Provided always, that the discontinuance, closing up, or destruction of any sewer or drain shall be so done as not to create a nuisance; and if,

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by reason thereof, or of any such alteration as hereinbefore mentioned, any person is deprived of the lawful use of any sewer or drain, the Commissioners shall, with due diligence, provide some other sewer or drain as effectual for his use as the one of which he is so deprived.

Cleansing and emptying sewers.

XLVII. The Commissioners, so far as the funds at their disposal will admit, shall cause the sewers and drains belonging to them to be so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same, they may construct and place, either above or under-ground, such reservoirs, sluices, engines, and other works as may be necessary; and they may also with the consent of the Local Government cause all or any of such sewers and drains to communicate with and be emptied into the sea or any public river (as the case may admit) or other fit place; or they may cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purposes as may be deemed most expedient, but so that the same shall not become a nuisance.

Bed of stream receiving sewerage to be cleared.

XLVIII. When the contents of any sewer or drain or any other flow of filth or refuse are discharged into any river or stream, in the bed or channel of which the quantity of water at any season of the year is so much diminished by natural or artificial causes as to be insufficient to keep such channel clean or clear, the Commissioners shall, with the consent of the Local Government so far as the funds at their disposal will admit, make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof to the injury of health or the annoyance of the surrounding population.

Penalty for making unauthorized drains into public sewers.

XLIX. Whoever, without the written consent of the Commissioners first obtained, makes or causes to be made any drain into any of the sewers or drains vested in them by this Act, shall be liable to a penalty not exceeding one hundred Rupees; and

and the Commissioners may cause such branch-drain to be demolished, altered, re-made, or otherwise dealt with as they think fit; and all the expense incurred thereby shall be paid by the person making such branch-drain, and shall be recoverable as hereinafter provided.

Building over sewers, &c. not to be erected without consent of Commissioners.

L. No building shall be newly erected over any sewer or drain vested in the Commissioners by this Act, without their written consent; and if any building be so erected, the Commissioners may cause the same to be pulled down, or otherwise dealt with as they may think fit; and the expenses thereby incurred shall be paid by the person offending and be recoverable as hereinafter provided.

Commissioners empowered to make drains from houses in or near street, which are not properly drained

LI. If any house or building, in or near any street, be at any time not drained to the satisfaction of the Commissioners by a sufficient drain or pipe communicating with some sewer, or with the sea, or some public river or other place at which the Commissioners are empowered to empty their sewers, and if there be such means of drainage within one hundred feet of any part of such house or building, the Commissioners may construct or lay from such house or building a covered drain or pipe of such materials, of such size, at such level, and with such fall, as they think necessary for the draining of such house or building; and the expenses incurred by the Commissioners in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter directed. Provided that the cost of executing such work shall not, without the consent of the owner, exceed the amount of three months' rent of the house or building.

Level of houses hereafter built in or near streets.

LII. No house or building shall be hereafter built in or near any street upon a lower level than will allow of the drainage of such house or building being led into some public sewer either then existing or projected by the Commissioners, or into the sea, or some public river or other place into which the Commissioners are empowered to empty their sewers.

Houses hereafter built in or near streets to have drains constructed under the orders of the Commissioners.

LIII. If any house or building, newly erected or re-built in or near any street after the passing of this Act, have such means of drainage, as in the last preceding Section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house or building,

building, of such materials, of such size, at such level, and with such fall as the Commissioners may direct; and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner and shall be recoverable as hereinafter provided.

Notice of new buildings in or near streets to be given to Commissioners.

LIV. Before beginning, in or near any street, to build or re-build any house, the person intending to build or re-build such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan showing the levels at which the foundation and lowest floor of such house are proposed to be laid by reference to some level ascertained under the direction of the Commissioners.

Commissioners to signify disapproval within fourteen days

LV. Within fourteen days after receiving such notice, the Commissioners may signify their disapproval of the proposed levels and fix other levels in lieu thereof

Houses built without notice, or contrary to provisions of this Act, may be altered by Commissioners.

LVI. If such building be begun or made without sending such notice and plan, or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require, and the expense thereby incurred shall be paid by the person failing to comply with the provisions aforesaid, and shall be recoverable as hereinafter provided.

If Commissioners fail to approve, &c within fourteen days, parties may proceed without.

LVII. If the Commissioners fail to signify in writing their approval or disapproval of the levels shown on such plan as aforesaid, and to fix other levels within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding any thing hereinbefore contained, proceed to build or re-build the house therein referred to according to the levels shown on such plan, provided that such building or re-building be otherwise in accordance with the provisions of this Act.

LVIII. All

Sewers in streets to be covered with traps, &c

LVIII. All sewers and drains in streets, whether public or private, shall be provided by the Commissioners or other persons to whom they severally belong, with proper traps or other coverings or means of ventilation so as to prevent stench. If the owner of any private sewer or drain shall, for ten days after notice given to him by the Commissioners, neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same; and the expense incurred thereby shall be paid by the owner of such sewer or drain and shall be recoverable as hereinafter provided.

Power of Commissioners to erect or affix to buildings pipes for ventilation of sewers

LIX. The Commissioners may erect or fix to any house or building such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house or building and erected so as not to occasion any nuisance or inconvenience to any house or building in the neighbourhood.

Throwing rubbish into sewers.

LX. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen or stable refuse, or any broken glass or earthen-ware, or other rubbish, or, until suitable sewers shall be provided, any night-soil, into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a penalty not exceeding fifty Rupees.

Common necessaries

LXI. The Commissioners may, if they think fit, provide and maintain, in proper and convenient situations, so as not to create a nuisance, common necessaries and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

Licensing of public necessaries.

LXII. The Commissioners may license, for any period not exceeding one year, such necessaries for public accommodation as they, from time to time, may think proper; and whoever keeps any public necessary without such license, or, having a license for a public necessary, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleaning the same, shall be liable to a penalty not exceeding fifty Rupees, and the license may be cancelled by the Magistrate before whom the person is convicted.

LXIII. The

LXIII. The owner or occupier of any house or building having a privy erected on his premises shall have such privy shut out by a sufficient wall or fence from the view of persons passing by.

Neglecting to close private privy.

LXIV. All branch drains, as well within as without the lands or buildings to which they belong, and all privies and cess-pools in or near any street, shall be under the survey and control of the Commissioners, and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, repair, and put the same into good order in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, repaired, and put in good order; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Branch-drains, privies, &c. to be under control of Commissioners and to be kept in good order by owners.

If owners neglect, Commissioners may cause the same to be done and charge the owners with the expense.

LXV. If any such drain, privy, or cess-pool is constructed, after the passing of this Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act; or, if any person, without the consent of the Commissioners, constructs, re-builds, or unstops, any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees; and the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable from him as hereinafter provided.

Penalty for persons making or altering drains, &c. contrary to the orders of the Commissioners.

LXVI. The Commissioners, or any officer appointed by them for the purpose, may inspect any such drain, privy, or cess-pool, and for that purpose, at all reasonable times in the daytime, after twenty-four hours' notice in writing to the occupier

Inspection of drains, privies, and cess-pools.

occupier of the premises to which such drain, privy, or cess-pool is attached, may enter upon any lands and buildings with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be; and if, upon such inspection, it appears that the drain, privy, or cess-pool is not in good order and condition, or that it has been constructed after the passing of this Act contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong; but if the drain, privy, or cess-pool be found to be in proper order and condition and not to have been constructed in violation of the provisions of this Act, the Commissioners or officer as aforesaid shall cause the ground to be closed and made good as soon as may be; and the expenses of opening, closing, and making good such drain, privy, or cess-pool shall, in that case, be defrayed by the Commissioners. Provided always, that nothing hereinbefore contained shall authorize an entry into the zenanas or private apartments appropriated to the females of Hindoo and Mussulman families for the purpose of such inspection, except by the agency of women.

Proviso.

LXVII. Where any notice is required by this Act to be given to the owner or occupier of any building or land, such notice, addressed to the owner or occupier as the case may require, may be served on the occupier of such building or land, or left with some adult male member or servant of his family, or, if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such building or land, and it shall not be necessary in any such notice to name the occupier or the owner. Provided always that, when the owner and his residence are known to the Commissioners, it shall be their duty, if such owner be residing within the Town or Station under their authority, to cause every notice, required to be given to the owner of any building or land, to be served on such owner or left with some adult male member or servant of his family; and, if the owner be not resident within the Town or Station, they shall send every such notice by the Post addressed to his residence.

Service of notice on owners and occupiers of buildings and lands.

LXVIII. Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such works, the Commissioners, whether any penalty is or

Commissioners, in default of owner or occupier, may execute works and recover expenses.

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is not provided for such default, may cause such work to be executed; and the expense thereby incurred shall be paid to them by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

Power to levy charges on occupier, who may deduct the same from his rent.

LXIX. If the defaulter be the owner of the building or land, the Commissioners, may, by way of additional remedy, whether any action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then or at any time thereafter occupies the building or land under such owner, and, in default of payment thereof by such occupier on demand, the same may be levied by distress of the goods and chattels of such occupier; and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from him in respect of any such expenses.

Occupier not to be liable for more than the amount of rent due.

LXX. No occupier of any building or land shall be liable to pay more money, in respect of any expenses charged by this Act on the owner thereof, than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Commissioners, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall lie upon such occupier; provided further, that nothing herein contained shall be taken to affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

LXXI. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the Commissioners, cause such work to be executed,

ed, and the expense thereof shall be paid to him by the owner, and the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings in case of tenants opposing the execution of this Act.

LXXII. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Magistrate, upon proof thereof, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for carrying into effect the provisions of this Act, and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty Rupees, and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Tanks, &c. vested in the Commissioners

LXXIII. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, existing at the time of the passing of this Act or afterwards made, and whether made at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in and belong to the Commissioners.

Construction and maintenance of works for supply of water

LXXIV. The Commissioners shall cause all existing public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works used for the supply of water to the inhabitants or for the other purposes mentioned in this Act, to be continued, maintained, and supplied with water; or they shall substitute other such works and shall cause them to be maintained and supplied with water; and the Commissioners from time to time, with the consent of the Local Government, may construct aqueducts for bringing water into the Town or Station under their authority, and may provide any number of new tanks,

tanks, reservoirs, cisterns, wells, and other such water-works for the purposes aforesaid.

Provision for supply of water in cases of fire.

LXXV. The Commissioners shall, so far as the funds at their disposal will admit, cause all necessary works, machinery, and assistance for securing an efficient supply of water in cases of fire, to be provided and maintained.

Fouling water by—

Bathing.

Washing.

Throwing rubbish, &c.

Allowing drains, &c. to flow.

LXXVI. Whoever, except as permitted by the Commissioners under Section LXXIX, bathes in any stream, tank, reservoir, well, cistern, conduit, or aqueduct belonging to the Commissioners; or washes or causes to be washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing; or throws, puts, or casts, or causes to enter therein, any animal or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing; or causes or suffers to run, drain, or be brought thereinto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter or thing belonging to him or flowing from any house or building or from any ground occupied by him; or does any thing whatsoever whereby any such water shall be in any degree fouled or corrupted—shall be liable to a penalty not exceeding fifty Rupees.

Water fouled by offensive trades.

LXXVII. Whoever, being the proprietor of any gas-works, or being engaged or employed in the manufacture or supply of gas, or being the occupier or proprietor of any place where an offensive trade or manufacture is carried on, wilfully does any act connected with the said business, whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners, is fouled or corrupted, shall be liable to a penalty not exceeding one thousand Rupees, and to a further penalty, not exceeding five hundred Rupees, for every day while the offence is continued after twenty-four hours' notice in writing from the Commissioners in this behalf; and the Commissioners may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and

and works belonging to such person, and if, upon such examination, it appears that the water has been fouled or corrupted by any thing proceeding from or contained in the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him as hereinafter provided, but if it appear that the water has not been so fouled or corrupted, then such expenses, and all reasonable damages occasioned by the examination, shall be paid by the Commissioners.

Injuring water-works or diverting or wasting water

LXXVIII. Whoever wilfully or carelessly injures any water-works belonging to the Commissioners, or unlawfully draws off, diverts, or takes water from any such water-works, or from any waters or streams belonging to the Commissioners by which such water-works are supplied, shall be liable to a penalty not exceeding one hundred Rupees.

Commissioners may set apart bathing places, &c

LXXIX. The Commissioners may, at their discretion, set apart any public ghaut or place, or any part of the sea-shore, or of the strand of any river (not being private property), for the purpose of being used as a bathing place; and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants

Bye-laws to regulate—

LXXX. The Commissioners may, in the manner hereinafter provided, make bye-laws—

The use of water

For regulating all or any matters and things whatsoever connected with the water to be supplied by them and the use of such water for any of the purposes mentioned in this Act—

Bathing places

And for regulating the time and place of bathing for persons of each sex in the places provided or appointed by them for the purpose of bathing, in such manner as shall appear to the Commissioners necessary, making due allowance for the habits and customs of the country.

LXXXI When

LXXXI. When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Commissioners to be injurious to health, or to be offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during eight days from the service thereof, the Commissioners, their Officers, and workmen, may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Power to fill up unwholesome tanks on private premises.

LXXXII. The Commissioners are hereby empowered, from time to time as they shall see fit, to drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Commissioners, their Officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

Power to drain off and cleanse stagnant pools in open places.

LXXXIII. The Commissioners, in executing any works directed or authorized by this Act to be made, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and in case of any difference arising between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Commissioners in executing works to provide roads, &c., where existing ones injured.

LXXXIV. When the pavement or surface of any street, or when any sewer or drain, shall be opened or broken up by the Commissioners, their Officers, or servants, they shall, with all convenient speed, complete the work on account of which

Commissioners breaking up street to restore the same with all convenient speed.

which the same shall have been broken up, and fill in the ground and make good the pavement and surface, and the sewer or drain, so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded, and sufficiently lighted during the night.

Situation of gas and water-pipes to be altered at the expense of the Commissioners.

LXXXV. If the Commissioners deem it necessary for the purposes of this Act, to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any of the streets, they may from time to time, by notice in writing, require the person to whom any such pipes or works belong or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioners direct; provided that such alterations be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering and full compensation for the damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong as to all other persons. And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

If owner, &c., neglect to make alterations, the Commissioners may cause the same to be done.

LXXXVI. If the person to whom any such pipes or works belong or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk, or altered, in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk, or altered as they think fit; provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

Hoards to be set up during repairs.

LXXXVII. Every person intending to build or take down any building or to alter or repair the outward part of any building where any street or footway will be obstructed or rendered

rendered inconvenient by means of such work, shall, before beginning the same, and having first obtained a license in writing from the Commissioners so to do, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street or footway, and shall continue such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night; and every such person who begins to build, or take down, or alter, or repair, any building contrary to the provisions of this Section, or who, without license, erects or sets up any hoards, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same when directed by the Commissioners, within a reasonable time afterwards, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty, not exceeding fifty Rupees, for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

Bars to be erected across streets during repairs, and lights placed at night.

LXXXVIII. The Commissioners shall, during the construction or repair of any of the streets, sewers, or drains vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses, and shall cause such bars, chains, or posts to be fixed across or in any of the streets or roads to prevent the passage of carriages, carts, or other vehicles, cattle or horses, while such works are carried on, as to them shall seem proper; and the Commissioners shall cause any sewer or drain or other works in streets, during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night; and whoever takes down, alters, or removes any of the said bars, chains, or posts, or extinguishes any light, without the authority or consent of the Commissioners, shall be liable to a penalty not exceeding fifty Rupees.

Penalty for not lighting deposits of building materials or excavations.

LXXXIX. No persons shall deposit any building materials, or make a hole in any street, without the permission of the Commissioners; and when such permission is granted to any person, he shall, at his own expense, cause such materials

or

or such hole, to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night; and whoever deposits materials or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole when the permission has been withdrawn, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

Dangerous places near streets to be repaired or enclosed.

XC. If any building, tank, well, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Commissioners shall cause the same to be repaired, protected, or enclosed so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure shall be paid to the Commissioners by the owner of the property so repaired, protected, or enclosed, and shall be recoverable as hereinafter provided.

Slaughter-houses within certain limits to be registered.

XCI. Within the parts of any of the said Towns and Stations which shall be specially prescribed by the Local Government for the purpose, every place used as a slaughter-house shall, within three months after the passing of this Act, be registered by the owner or occupier at the Office of the Commissioners in a book to be kept by them for that purpose, and whoever, after the expiration of that time and after eight days' notice from the Commissioners uses or permits to be used within the limits so prescribed, any slaughter-house without its being registered, shall be liable to a penalty, not exceeding fifty Rupees, for every day during which such place shall be so used without having been registered.

Commissioners may order existing slaughter-houses to be discontinued.

XCII. If it be shown to the satisfaction of the Commissioners that any place used as a slaughter-house within the said limits is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue such use thereof within one month; and whoever, after the expiration of that time, uses such place or permits it to be used as a slaughter-house, shall be liable to a penalty not exceeding

exceeding fifty Rupees for every day during which it shall be so used. Provided that the Commissioners shall make reasonable compensation for any damage that may be caused thereby to the occupier or owner; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Proviso.

XCIII. No place shall be used as a slaughter-house within the prescribed limits which was not in such use at the time of the passing of this Act, and has not so continued ever since, unless and until a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners, who are hereby empowered, at their discretion, from time to time to grant such licenses; and whoever, without such license, uses as a slaughter-house any place within such limits not used as such at the time of the passing of this Act and so continued to be used ever since, shall be liable to a penalty not exceeding one hundred Rupees, and a penalty, not exceeding fifty Rupees, for every day after the conviction for such offence, during which the said offence is continued.

No slaughter-houses to be newly set up without license.

XCIV. The Commissioners may from time to time, if they shall think fit, with the consent of the Local Government, provide places for the purpose of being used as slaughter-houses, and they shall make bye-laws for and with respect to the management and charges for the use of such places.

Commissioners to provide places for slaughter-houses

XCV. Every owner, occupier, or farmer of any market for the sale of butcher's meat, poultry, fish, or vegetables, or of any slaughter-house within the prescribed limits, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided sufficient for keeping such market or slaughter-house in a clean and wholesome state, and if such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within a reasonable time, which shall not be less than one month, makes default therein, he shall be liable

Markets, slaughter-houses, &c. to be properly drained

liable to a penalty not exceeding fifty Rupees, for every day during which such default is continued.

Commissioners may make bye-laws for the inspection of slaughter-houses

XCVI. The Commissioners may, in manner hereinafter provided, make bye-laws for the inspection of all such markets and of all slaughter-houses within the prescribed limits, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours.

Keeping unwholesome food in market, or in shops

XCVII. Whoever keeps in any market, shop, building, stall, or place used for the sale of butcher's meat, poultry, fish, or vegetables, or exposes or allows to be exposed for sale in any other place or way, any animal, carcase, meat, poultry, game, flesh, fish, or vegetable which is unfit for the food of man, shall be liable to a penalty not exceeding one hundred Rupees.

Sale of unwholesome food or drink.

XCVIII. Whoever sells, or offers or exposes for sale, within any of the said Towns and Stations, as food or drink for man, any article which has been rendered or has become noxious or unfit for such use, knowing or having reason to believe the same to be noxious or unfit for such use, shall be liable to a penalty not exceeding three hundred Rupees, and such article shall be forfeited and disposed of as the Magistrate shall direct, and it shall be lawful for any Magistrate, on the application of the Commissioners or any of their Officers, setting forth that there is just cause to believe that any such article is in the possession of any person for the purpose of being sold or offered or exposed for sale as aforesaid, to grant a warrant to enter upon the premises of such person and to search for and seize such article, and if it appear to the Magistrate, upon the evidence of a competent person, that the same is noxious or unfit for such use, he shall order such article to be forfeited and disposed of in such way as to him shall seem proper.

Power to Commissioners to enter and inspect slaughter-houses, shops, &c., and to seize unwholesome articles exposed for sale.

XCIX. The Commissioners or any person appointed by them for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables

bles which may be therein; and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables appear to be intended for the food of man and to be unfit for such food, may seize the same; and if it appear to a Magistrate, upon the evidence of a competent person, that such animal, carcase, meat, poultry, game, flesh, fish, or vegetables is unfit for the food of man, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food, and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred Rupees.

Suspension or revocation of license, &c.

C. The Magistrate, before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter houses, or of the non-observance of any of the bye-laws relating thereto made by virtue of this Act, in addition to the penalty imposed on such person under the authority of this Act, may suspend, for any period not exceeding two months, the license granted to such person under this Act; or in case such person be the owner or occupier of any registered slaughter-house, may forbid, for any period not exceeding two months, the slaughtering of cattle therein; and the Magistrate, upon the conviction of any person for a second or other subsequent like offence, in addition to the penalty imposed under the authority of this Act, may declare the license granted under this Act revoked, or if such person be the owner or occupier of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein.

Penalty for using slaughter-houses during suspension or revocation of license.

CI. Whoever, during the period for which any such license is suspended or after the same is revoked as aforesaid, slaughters cattle, or allows cattle to be slaughtered, in the slaughter-house to which such license relates, and whoever, during the period that the slaughtering of cattle in any such registered slaughter-house is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters cattle, or allows cattle to be slaughtered, in any such registered slaughter-house, shall be liable to a penalty not exceeding fifty Rupees, for every day after the conviction for such offence, during which the said offence is continued.

Offensive and dangerous trades existing within certain limits to be registered.

CII. Within the parts of any of the said Towns and Stations which shall be specially prescribed by the Local Government for the purpose, the owner or occupier of every place used at the time of the passing of this Act for any of the following purposes,

purposes, namely, for melting tallow—or for boiling offal or blood—or as a soap house—oil-boiling house,—dyeing house—tannery—brick, pottery, or lime, kiln—sago manufactory—or other manufactory or place of business from which offensive or unwholesome smells arise—or as a yard or depôt for hay, straw, wood, or coal—shall, within three months after this Act comes into operation, register the same at the office of the Commissioners in a book to be kept by them for that purpose; and whoever, after the expiration of the said three months and after eight days' notice from the Commissioners, uses any such place without the same being registered, shall be liable to a penalty not exceeding fifty Rupees for every day during which the offence is continued.

Penalty for establishing such trades without license.

CIII. No place shall be newly used within the prescribed limits for any of the purposes mentioned in the last preceding Section, except under a license from the Commissioners, who are hereby empowered, at their discretion, from time to time to grant such licenses; and whoever, without a license, uses any such place for such purpose, shall be liable to a penalty not exceeding five hundred Rupees, and a penalty not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

Commissioners to make rules for licensing, registering, &c. such business places.

CIV. The Commissioners may, in the manner hereinafter provided, make bye-laws for the inspection of every place within the prescribed limits used for any of the purposes mentioned in Section CII, and for the management and conduct of such business, whether the same be newly established or not, in such manner as they may think necessary and proper, in order to prevent or diminish the noxious or injurious or offensive effect thereof.

Burial and Burning grounds to be registered.

CV. The Commissioners may, if they think fit, cause a survey and measurement to be made of every burial ground and every place used as such; and every such place and every burning ground existing at the time of the passing of this Act, shall, within three months after this Act shall come into operation, be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same, by order of the Commissioners, in a book to be kept by them for that purpose; and whoever, after the expiration of the said

said time, knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in any ground other than such registered burial or burning ground, shall be liable to a penalty not exceeding one hundred Rupees.

No vault or burial or burning place henceforth to be constructed without leave of Commissioners.

CVI. No vault or grave shall be made within the walls of, or underneath any church or chapel or other place of public worship built after the passing of this Act, and no burial or burning ground, whether public or private, shall be opened, made, or formed after the passing of this Act, otherwise than by or under the authority of the Local Government, without a license describing the extent and boundaries thereof first obtained from the Commissioners, who are hereby empowered, at their discretion, from time to time to grant such licenses; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground opened, made, or formed without such license or contrary to the terms thereof, shall be liable to a penalty not exceeding five hundred Rupees.

Commissioners to issue certificates prohibiting improper burial places.

CVII. If, upon the evidence of competent persons, the Commissioners, with the sanction of the Local Government, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance, and is available, it shall not be lawful, after a time (not less than two months) to be named in such certificate, to bury or burn, or permit or suffer to be buried or burned, any corpses in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate; and whoever, after due publication of such certificate as hereinafter provided, buries or burns, or causes, permits, or suffers to be buried or burned, any corpse contrary to this enactment, shall be liable to a penalty not exceeding two hundred Rupees. Provided always,

that

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that every such certificate shall be published in the *Government Gazette* (if any) and in one or more of the public newspapers, and that a translation thereof in the native languages chiefly in use in the Town or Station to which it relates, shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

Commissioners may, in certain cases, permit interment in churches, &c.

CVIII. Notwithstanding any such certificate as in the preceding Section mentioned, where by usage or otherwise there is, at the time of the passing of this Act, any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any church-yard, burial-ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment, has been purchased or acquired before the passing of this Act, it shall be lawful for the Commissioners, if, on application made to them, they are satisfied that the exercise of such right or the use of such ground will not be injurious to health, to grant a license for such exercise or use during such time and subject to such conditions and restrictions as they may think fit.

Commissioners may provide places to be used as burial or burning grounds.

CIX. The Commissioners may from time to time, out of the funds available for the purposes of this Act, with the consent of the Local Government, provide fitting places to be used as burial or burning grounds.

Commissioners to make bye-laws for regulation of burial and burning grounds.

CX. The Commissioners may, in manner hereinafter provided, make bye-laws for the inspection and regulation of burial and burning grounds, and may thereby prescribe rules as to the depth of graves and places of interment, and generally as to all matters connected with the good order of burial and burning grounds, due regard being had to the religious usages of the several classes of the community.

Registry of deaths.

CXI. The Commissioners shall, upon such information as they may be able to obtain, cause to be registered the name, sex, age, religion, residence, and cause of death of every person whose body is brought to any of the said burial or burning grounds, and also, so far as is practicable, the like particulars of every other person who dies within the said Towns and Stations.

CXII. The

CXII. The Commissioners shall, for the purposes of this Act, have power, by themselves or their officers, to enter at all reasonable hours in the day-time into and upon any building or land, as well for the purpose of making any survey or inspection, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry or of any thing done in any part of such building or land in pursuance of this Act. Provided that, except when herein otherwise provided, the Commissioners or their officers shall not enter upon any building or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of his or their intention to do so.

Power to enter upon lands for the purposes of this Act.

Proviso.

CXIII. The Commissioners, or their officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of any works by this Act authorized to be made, for the purpose of depositing upon such land, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said land to the owner and occupier thereof, from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses. Provided that, before the Commissioners make any such temporary use as aforesaid of the land adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid, from the other land adjoining thereto.

Power to Commissioners to enter on lands adjacent to works.

Proviso.

CXIV. Whoever

CXIV Whoever at any time obstructs or molests the Commissioners, or any of their officers or workmen, or any person employed by them or with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty or of any thing which they are respectively empowered or required to do by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a penalty not exceeding fifty Rupees, or, in the discretion of the Magistrate before whom he is convicted, to imprisonment, for any term not exceeding three months.

Penalty for obstructing Commissioners in their duty.

CXV. For the purpose of constructing aqueducts for bringing water into any of the Towns of Calcutta, Madras, and Bombay from any place without the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature, or for the purpose of making sewers or drains to communicate with or empty themselves into any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for any such aqueduct, sewer, or drain shall have been approved by the Local Government, for the Commissioners and their officers, with such assistants as they may require, to exercise, in the construction of such aqueduct, sewer, or drain throughout the line of country through which the said aqueduct, sewer, or drain is to run, all the powers which, by this Act, it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, or drain is to run, to exercise in respect thereof the like powers and jurisdiction within the limits of his own district as it is, by this Act, lawful for a Magistrate or two Magistrates (as the case may be) of any of the said Towns to exercise in respect of any work to be executed by the Commissioners within the said local limits.

Powers to be exercised by the Commissioners when constructing drains and aqueducts without the local limits of the jurisdiction of Supreme Courts

CXVI. The Commissioners may, from time to time, make such bye-laws as they think fit for the several purposes for which bye-laws are hereinbefore authorized to be made by them, and may from time to time repeal, alter, or amend any such bye-laws;

Commissioners empowered to make bye-laws

laws; provided such bye-laws be not repugnant to law or to the provisions of this Act, and for any breach of any of such bye-laws, the offender shall be liable to a fine not exceeding twenty Rupees, and, in case of a continuing offence, to a further penalty not exceeding ten Rupees for every day after notice of the offence from the Commissioners during which such offence is continued.

Bye-laws to be confirmed

CXVII. No bye-law, or alteration of a bye-law, shall have effect until the same is confirmed by the Local Government.

Notice of confirmation

CXVIII. No bye-law, or alteration of a bye-law shall be confirmed until the same has been published in the *Government Gazette* (if any) or in one of the public newspapers for one month, during which period a copy of such proposed bye-law shall be kept at the office of the Commissioners, and all persons may, at reasonable times, inspect such copy without fee or reward.

Publication of bye-laws.

CXIX. Such bye-laws, when confirmed, shall be published in the *Government Gazette* (if any) and in one or more of the public newspapers, and a copy thereof, in English and in the vernacular languages chiefly in use, shall be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

Bye-laws to be judicially noticed.

CXX. All Courts and Magistrates shall take judicial notice of such bye-laws when the same shall have been confirmed and published as aforesaid.

Copies to be transmitted to the Legislative Council.

CXXI Copies of such bye-laws shall be transmitted to the Clerk of the Legislative Council, as soon as conveniently may be after the confirmation thereof; and no such bye-law shall have effect if disallowed by order of the Legislative Council.

Publication of penalties

CXXII. The Commissioners shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-law made under this Act, and of the amount of every such penalty, and shall cause such particulars, in English and in the vernacular

vernacular languages chiefly in use, to be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

Power to Commissioners to make contracts.

CXXIII. The Commissioners may enter into contracts with any persons for the execution of any works directed or authorized by this Act to be done by the Commissioners, or for any other things necessary for the purposes of this Act.

Commissioners may direct prosecutions.

CXXIV. The Commissioners may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the funds applicable to the purposes of this Act.

Act not to affect nuisances at common law.

CXXV. Nothing in this Act shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed to be, a nuisance at common law, nor to exempt any person guilty of a nuisance at common law, from prosecution or action in respect thereof. Provided that, if any person, convicted of an offence under this Act, shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, in every such case he shall be released from all further or other criminal proceedings for the same offence.

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No writ or process to be issued against Commissioners or their officers until after one month's notice of cause of action, &c.

CXXVI. No writ or process shall be issued out against or served upon the Commissioners or any of their officers, or any person acting under the direction of the Commissioners, for any thing done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners or at the place of abode of such person, explicitly stating the cause of action, and the name and place of abode of the intended Plaintiff, and of his attorney or agent in the cause; and, upon the trial of any such action, the Plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the Defendant; and every such action

action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given shall, before action brought, tender sufficient amends to the complainant, such complainant shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the Defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where Defendants are allowed to pay money into Court.

Power to make compensation out of funds.

CXXVII. The Commissioners may make compensation out of the funds applicable to the purposes of this Act, to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers or servants, under and by virtue of this Act.

Mode of ascertaining compensation for land, &c.

CXXVIII. When there is any hindrance to the acquisition by purchase of any land or building required for the purposes of this Act, the Local Government, upon the representation of the Commissioners and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to the laws now or hereafter to be in force for the acquisition of land for public purposes. And the Local Government may vest such land or building in the Commissioners on their paying the compensation awarded.

Power to sell lands.

CXXIX. The Commissioners, with the consent of the Local Government, may sell any lands vested in them by virtue of this Act or acquired by them for the purpose thereof either together or in parcels as they may find most convenient and advantageous, and the proceeds of such sale shall be applied to the purposes of this Act: and for carrying such sale into effect the Commissioners may execute a conveyance of the lands sold to the purchaser, and such conveyance shall be under the common seal of the Commissioners.

Power to sell old roads.

CXXX. Whenever any street or road hereby vested in the Commissioners shall be discontinued and stopped up under the provisions of Section VI of this Act, the Commissioners, with

with the consent of the Local Government, may sell the land or such part thereof as shall not be required for the purposes of this Act.

Fees for licenses.

CXXXI. When any license is granted under the provisions of Section LXII, XCIII, or CIII of this Act authorizing the use of any place for any of the purposes therein described, and when permission is given under Section XIX for making any temporary erection, or under Section XXXVI for putting up any projection, the Commissioners may charge a fee for such license or permission; and the rates of the fees to be so charged shall be from time to time adjusted by the Commissioners with the sanction of the Local Government, provided that no such fee shall exceed the sum of fifty Rupees. When permission or license is given for the temporary occupation of any ground belonging to the Commissioners under the provisions of Section LXXXVII or Section LXXXIX, the Commissioners may charge rent for such ground, according to the time the occupation may continue, at such rates as may from time to time be sanctioned by the Local Government. All sums received by the Commissioners under this Section shall be applied by them to the purposes of this Act.

Damages and expenses how to be determined.

CXXXII. In all cases where any damages, costs, or expenses are by this Act directed to be paid, the amount of the same, in case of dispute, shall be ascertained and determined by two Magistrates, except in the Town of Bombay, and in the Town of Bombay by the Court of Petty Sessions; provided that, if there be only one Magistrate acting for any Town or Station, such ascertainment and determination may be made by a Magistrate and a Justice of the Peace.

Method of proceeding before Magistrates in questions of damages, &c.

CXXXIII. In any case referred to the determination of two Magistrates under this Act, it shall be lawful for any Magistrate, upon the application of either party, to summon the other party to appear before any two Magistrates, or before a Magistrate and a Justice of the Peace as the case may be, and in the Town of Bombay before the Court of Petty Sessions, at a time and place to be named in such summons; and every such summons shall be served by delivering the original or a copy thereof to the person summoned or by leaving the same at his usual place of abode with some adult male member or servant of his family. Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for

for such Magistrates or such Magistrate and Justice, or such Court to hear and determine such question, and for that purpose, to examine such parties or any of them and their witnesses on oath; and the cost of every such enquiry shall be in the discretion of such Magistrates, or such Magistrate and Justice of such Court, and they shall determine the amount thereof. Provided that, in the event of a difference of opinion between such Magistrates, or such Magistrate and Justice, the case shall be referred to the determination of a third Magistrate or (if there be no such Magistrate) of any Justice of the Peace to be selected by them.

Proviso.

CXXXIV. If the amount of damages, costs, or expenses ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered under a warrant from the said Magistrates or either of them, or the said Magistrate and Justice of the Peace or either of them, or from the Court of Petty Sessions, as the case may be, by distress and sale of the goods and chattels of such party; and the overplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

Recovery of damages by distress.

CXXXV. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

Commissioners may sue in competent Court instead or on failure of distress.

CXXXVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Distress not unlawful for want of form.

CXXXVII. Every

CXXXVII. Every fine or penalty imposed under or by virtue of this Act, or any bye-law made in pursuance thereof, may be recovered by summary proceeding before a Magistrate upon information exhibited by order of the Commissioners.

Recovery of fines and penalties.

CXXXVIII. The Magistrate by whom any fine or penalty is imposed by virtue of this Act may award not more than one-half thereof or any less sum to the informer, and shall order the remainder—or, if he make no award to the informer, the whole of such fine or penalty to be paid to the Commissioners, to be by them applied to the purposes of this Act.

How fines and penalties are to be applied.

CXXXIX. No person shall be liable to any fine or penalty under this Act, for any offence made cognizable before a Magistrate, unless the complaint respecting such offence shall have been made before a Magistrate within three months next after the commission of such offence.

No person liable to fine or penalty unless complaint made within three months after offence committed.

CXL If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damage shall, in case of dispute, be determined by the Magistrate by whom the party incurring such penalty shall have been convicted; and, on non-payment of such damage on demand, the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Damage to the Commissioners' property to be made good in addition to penalty.

CXLI. It shall be the duty of all Police Officers to give immediate information to the Commissioners of any offence committed contrary to the provisions of this Act. Any Police Officer may arrest any person committing in his view any offence against this Act if the name and address of such person be unknown to him, and such person may be detained at the Station House until his name and address shall be ascertained

Police Officers to report offence to Commissioners and to arrest unknown offenders.

CXLII. This Act shall commence and take effect from and after the 1st of November 1856.

Commencement of Act.

SCHEDULE.

SCHEDULE.

LAWS REPEALED.

Calcutta.

Act No. XII of 1837.

XXII Act No. XII of 1847, entitled "An Act to enable the Commissioners who may be appointed under Act XVI of 1847, to purchase and hold real or personal property for the improvement of the Town of Calcutta."

Act No. XII of 1852, entitled "An Act to repeal Act No. II of 1848, and to confer certain powers on the Commissioners for the improvement of the Town of Calcutta," except Section 50 of the said Act.

Madras.

A Rule, Ordinance, and Regulation, entitled "A Regulation for the Cleanliness of the Town of Madras."

Bombay.

So much of Rule, Ordinance, and Regulation III. 1812, entitled "A Rule, Ordinance, and Regulation to restrain the construction of all Buildings within the Town walls likely to endanger the defence of the Garrison, to remove and prevent encroachments that may exist or be attempted to be made in the streets, and high-roads, both within and without the Town walls, and generally throughout the Island of Bombay, and to prevent the introduction of articles of a combustible nature within the Garrison," as is now in force.

So much of Rule, Ordinance, and Regulation III. 1815, entitled "A Rule, Ordinance, and Regulation for enlarging, explaining, and amending Rule, Ordinance, and Regulation I and Rule, Ordinance, and Regulation III of 1812, the former passed by the Honorable the Governor in Council on the 25th March 1812 and registered in the Court of the Honorable the Recorder on

on the 20th of May following, and the latter passed by the Honorable the Governor in Council on the 4th of November 1812 and registered in the same Court on the 26th day of December next ensuing, and for other beneficial purposes," as is now in force.

Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34, of Act No XXVIII of 1839, entitled "An Act for the regulation of Buildings in the Islands of Bombay and Colaba"

Act No. XIV of 1841, entitled "An Act for the better regulation of Markets in the Islands of Bombay and Colaba"

Act No. XIV of 1842, entitled "An Act for giving greater facility in the abatement and prosecution of nuisances in and through the Towns and Islands of Bombay and Colaba."

ACT No. XV of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 25th July 1856.)

AN ACT *to remove all legal obstacles to the marriage of Hindoo Widows.*

Preamble.

WHEREAS it is known that, by the law as administered in the Civil Courts established in the territories in the possession and under the Government of the East India Company, Hindoo widows, with certain exceptions, are held to be, by reason of their having been once married, incapable of contracting a second valid marriage, and the offspring of such widows by any second marriage are held to be illegitimate and incapable of inheriting property: and whereas many Hindoos believe that this imputed legal incapacity, although it is in accordance with established custom, is not in accordance with a true interpretation of the precepts of their religion, and desire that the Civil law administered by the Courts of justice shall no longer prevent those Hindoos who may be so minded from adopting a different custom, in accordance with the dictates of their own consciences: and whereas it is just to relieve all such Hindoos from this legal incapacity of which they complain; and the removal of all legal obstacles to the marriage of Hindoo widows will tend to the promotion of good morals and to the public welfare: It is enacted as follows:—

Marriage of Hindoo widows legalized.

I. No marriage contracted between Hindoos shall be invalid, and the issue of no such marriage shall be illegitimate, by reason of the woman having been previously married or betrothed to another person who was dead at the time of such marriage, any custom and any interpretation of Hindoo law to the contrary notwithstanding.

II. All

II. All rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to re-marry, only a limited interest in such property, with no power of alienating the same, shall, upon her re-marriage, cease and determine as if she had then died; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same.

Rights of widow in deceased husband's property to cease on her re-marriage.

III. On the re-marriage of a Hindoo widow, if neither the widow nor any other person has been expressly constituted by the will or testamentary disposition of the deceased husband, the guardian of his children, the father or paternal grandfather, or the mother or paternal gradmother, of the deceased husband, or any male relative of the deceased husband, may petition the highest Court having original jurisdiction in Civil cases in the place where the deceased husband was domiciled at the time of his death, for the appointment of some proper person to be guardian of the said children, and thereupon it shall be lawful for the said Court, if it shall think fit, to appoint such guardian, who, when appointed, shall be entitled to have the care and custody of the said children, or of any of them, during their minority, in the place of their mother; and in making such appointment the Court shall be guided, so far as may be, by the laws and rules in force touching the guardianship of children who have neither father nor mother. Provided that, when the said children have not property of their own sufficient for their support and proper education whilst minors, no such appointment shall be made otherwise than with the consent of the mother, unless the proposed guardian shall have given security for the support and proper education of the children whilst minors.

Guardianship of children of deceased husband on the re-marriage of his widow.

IV. Nothing in this Act contained shall be construed to render any widow, who, at the time of the death of any person leaving any property, is a childless widow, capable of inheriting the whole or any share of such property, if, before the passing of this Act, she would have been incapable of inheriting the same by reason of her being a childless widow.

Nothing in this Act to render any childless widow capable of inheriting.

V. Except

V. Except as in the three preceding Sections is provided, a widow shall not, by reason of her re-marriage, forfeit any property, or any right to which she would otherwise be entitled; and every widow who has re-married shall have the same rights of inheritance as she would have had, had such marriage been her first marriage.

Saving of rights of widow marrying, except as provided in the three preceding Sections.

VI. Whatever words spoken, ceremonies performed, or engagements made, on the marriage of a Hindoo female who has not been previously married, are sufficient to constitute a valid marriage, shall have the same effect, if spoken, performed, or made on the marriage of a Hindoo widow; and no marriage shall be declared invalid on the ground that such words, ceremonies, or engagements are inapplicable to the case of a widow.

Whatever ceremonies now constitute a valid marriage shall have the same effect on the marriage of a widow.

VII. If the widow re-marrying is a minor whose marriage has not been consummated, she shall not re-marry without the consent of her father, or if she has no father, of her paternal grandfather, or if she has no such grandfather, of her mother, or failing all these, of her elder brother, or failing also brothers, of her next male relative. All persons knowingly abetting a marriage made contrary to the provisions of this Section shall be liable to imprisonment for any term not exceeding one year, or to fine, or to both. And all marriages made contrary to the provisions of this Section may be declared void by a Court of law. Provided that, in any question regarding the validity of a marriage made contrary to the provisions of this Section, such consent as is aforesaid shall be presumed until the contrary is proved, and that no such marriage shall be declared void after it has been consummated. In the case of a widow who is of full age, or whose marriage has been consummated, her own consent shall be sufficient consent to constitute her re-marriage lawful and valid.

Consent to re-marriage of a widow who is a minor.

Punishment for abetting marriage made contrary to this Section.

Effect of such marriage.

Proviso.

BENGAL SECRETARIAT LIBRARY

ACT No. XVI of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 9th August 1856.*)*

AN ACT *to authorize the levy of Port-dues and Fees at the present rates for a further period of twelve months.*

Preamble.

WHEREAS, by Section XLI Act XXII of 1855, the period, during which the dues and fees now usually collected at the several ports within the Territories in the possession and under the Government of the East India Company may be collected at such ports respectively, is limited to one year from the time of the passing of the Act, which will expire on the 13th of August 1856, and it is expedient to extend that period—

Continuance of existing Port-dues and Fees for twelve months.

It is hereby enacted that the dues and fees now usually collected at the several ports within the said Territories, may be collected at such ports during the period of twelve months from the 13th of August 1856.

ACT No. XVII OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd August 1856 *)*

AN ACT *to provide for the execution of Criminal process in places out of the jurisdiction of the authority issuing the same.*

Preamble.

WHEREAS by Act VII of 1854 certain provisions were made for the execution, in any part of the territories under the Government of the East India Company, of warrants of arrest issued by competent Officers in any other parts thereof, and whereas it is expedient that similar means should be provided for the execution as aforesaid of all other Criminal process issued as aforesaid: It is enacted as follows.—

All Criminal process may be executed in any part of India after having been endorsed by the Magistrate of the place where it is executed.

I. Any Criminal process whatever, including summonses, subpœnas, and search warrants, as well as warrants of arrest, issued by any Magistrate having jurisdiction in any part of the territories under the Government of the East India Company, may be executed within the jurisdiction of any other Magistrate having jurisdiction in any part of the said territories, whether in the same Presidency or not, upon having a written authority under the hand and seal of the Magistrate within whose jurisdiction it may be executed, previously endorsed thereon. Provided that no summons or subpœna shall be issued by a Magistrate to compel the attendance of a defendant or witness from any place beyond the local limits of his jurisdiction, unless special grounds shall be proved to the satisfaction of the Magistrate in support of the application, which grounds shall be recorded before the summons or subpœna is issued.

Magistrate endorsing process not liable for illegality in the issuing thereof.

II. The Magistrate endorsing any process under this Act shall not be liable to any action or other proceeding in consequence of any illegality in the issuing of the process; but any Magistrate illegally or improperly issuing the same shall be

be liable for any act in pursuance of the endorsement, in the same manner and to the same extent only, as if the process had been executed within his own jurisdiction.

Provisions of Act VII. 1854, and of this Act, applicable to process executed within limits of Supreme Courts.

III. The provisions of Act VII of 1854 and of this Act do and shall extend and apply to any warrant or other process of any Magistrate having jurisdiction in the territories beyond the local limits of the Supreme Courts of Calcutta, Madras, and Bombay respectively, which shall be executed within those limits. Provided that, if a Magistrate having jurisdiction within those limits shall object to endorse any warrant or other process on account of any apparent defect therein, or for any other cause, he shall refer such warrant or other process to a Judge of the Supreme Court, who shall deal therewith according to the provisions of Act XXIII of 1840.

Proviso.

Interpretation.

IV. The word "Magistrate," as used in this Act, includes a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, and also a Justice of the Peace.

ACT No. XVIII OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd August 1856.)

AN ACT *relating to the administration of the Public Revenues in the Town of Calcutta.*

Preamble.

WHEREAS it is expedient that the Collector of Calcutta ~~should have charge of the collection of the Stamp Duty within the town of Calcutta, and that he~~ should have power to employ any Deputy Collector subordinate to him, in the performance of any part of the duties of his office:—It is enacted as follows:—

Regulations modified.

I. Such part of Section VI. Regulation XII. 1826 of the Bengal Code, and such part of Section VI. of a Rule Ordinance and Regulation for the Town of Calcutta, made and passed on the 14th day of June 1827, as prescribe that an Officer being a Civil Servant of the Honorable Company shall be specially appointed by the Governor General in Council to take charge of the collection of the Stamp Duty within the City of Calcutta, are declared subject to the following modifications.

Collection of Stamp Duty in Calcutta to be ordinarily in charge of the Collector.

II. The collection of the Stamp Duty within the Town of Calcutta shall ordinarily, and unless the Lieutenant Governor of Bengal shall otherwise direct, be in the charge of the Collector of Calcutta.

Collector may entrust any part of his duties to his Deputy.

III. It shall be lawful for the Collector of Calcutta to employ any Deputy Collector subordinate to him, in the performance of any part of the duties of his office under the said Regulation, or under Act XI of 1849, or Act XXIII of 1850; and all Rules, Regulations, and Acts relating to the office of Deputy Collector, shall be of the same force within the Town of Calcutta as in other parts of the territories subject to the Presidency of Fort William in Bengal.

ACT No. XIX of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 19th September 1856.)

AN ACT *to enable the Governor General of India in Council to suspend the operation of certain Acts relating to the Emigration of Native Laborers.*

Preamble.

WHEREAS by several Acts passed by the Governor General of India in Council, the emigration of Native Inhabitants of India to certain British Colonies is authorized, subject to certain regulations for the protection of such Emigrants; and whereas it is expedient that the Governor General of India in Council should have power, from time to time, to suspend any of the said Acts so far as they relate to emigration to any Colony or place in which the said Governor General in Council shall have reason to believe that proper measures have not been taken for the protection of the Emigrants immediately upon their arrival thereat or during their residence therein, or for their safe return at or near to the time at which the Government of such Colony or place was bound to find them a return passage to India: It is enacted as follows:—

Governor General in Council empowered in certain cases to prohibit by notification the emigration of Native laborers to any Colony to which emigration is allowed by law.

I. Whenever the Governor General of India in Council shall have reason to believe that, in any Colony or place to which the emigration of Natives of India is allowed, proper measures have not been taken for the protection of such Emigrants immediately upon their arrival in such Colony or place or during their residence therein, or for their safe return to India, or to provide a return passage to India for any such Emigrants at or about the time at which they are entitled to such return passage, it shall be lawful for the said Governor General in Council, by notification in the *Calcutta Gazette*

Gazette, to declare that the emigration of Natives of India to such Colony or place shall cease and be prohibited from a certain day to be specified in the notification.

Operation of any Act, permitting emigration, to be suspended from the day specified in the notification.

II. After the notification shall have been so published, the operation of any Act by which the emigration of Natives of India to such Colony or place is allowed, shall be suspended from the day specified in the notification, so far as such Act authorizes emigration of Natives of India to such Colony or place; but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

During such suspension, all the laws against emigration shall be in force as to the Colony specified in the notification.

III. During the time of such suspension, any Act in force for the time being which prohibits the emigration of Natives of India, or the aiding or abetting of such emigration, or the making of any contract for labor to be performed by any Native of India out of the territories of the East India Company, shall take effect and be in force, so far as relates to the Colony or place specified in the notification, in the same manner and to the same extent as if the Act suspended had never been passed.

Revocation of suspension.

IV. Whenever the Governor General of India in Council shall be satisfied that, in the Colony or place specified in the notification, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return passages to India for such Emigrants at or near to the time at which they are entitled to such return passages, it shall be lawful for the said Governor General in Council to notify in the *Calcutta Gazette* that the emigration of Natives of India to such Colony shall be allowed from a day to be specified in such notification; and thereupon any Act which may have been suspended by virtue of this Act shall, from the day so specified, be revived and have the same force and effect as if it had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

ACT No. XX OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 14th November 1856.)

AN ACT *to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars in the Presidency of Fort William in Bengal.*

Preamble.

WHEREAS it is expedient to make better provision for the appointment and maintenance of Police Chowkeydars in cities, towns, stations, suburbs, and bazaars in the Presidency of Fort William in Bengal: It is enacted as follows:—

Laws repealed

I. Regulation XXII. 1816, Regulation VII. 1817, Section VI. Regulation III. 1821, and Section IV Regulation II. 1832, of the Bengal Code, and Act XV of 1837, are hereby repealed, except as to any act which shall have been done, or any liability which shall have been incurred, before the passing of this Act.

Existing assessment to continue to be levied until revised according to this Act.

Provided that the monthly assessment levied, under Regulation XXII. 1816, and Act XV of 1837, in any city or station at the time of the passing of this Act, shall continue to be levied until the same shall be revised and altered under the provisions of this Act.

To what places the Act shall apply.

II. The provisions of this Act shall have effect in the cities and stations in which the said Regulation XXII. 1816 has heretofore been in force, and in every other city, station, town, suburb, and bazaar in the said Presidency, to which the Local Government at any time may extend the same by Notification in the Official Gazette Provided always, that this Act shall not be extended to any city, town, suburb, or bazaar, unless there be therein (or in some other city, town, suburb, or bazaar with which the same may

Proviso

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may be united as hereinafter provided) a Police Station under an Officer of a grade not below that of Jemadar, nor to any agricultural village.

Unions may be formed

III. The Government may, by Notification to be published in the Official Gazette, unite, for the purposes of this Act, any city, town, suburb, station, or bazaar, or any part or parts of a city, town, suburb, station, or bazaar, with any other city, town, suburb, station, or bazaar, or part or parts of a city, town, suburb, station, or bazaar; and in such case all the provisions of this Act applicable to a city, town, suburb, station, or bazaar shall apply to such union.

Government may define limits of cities, towns, &c

IV. For the purposes of this Act the Local Government may define and declare the limits of any city, town, suburb, station, bazaar, or union, and all occupiers of houses within any such city, town, suburb, station, bazaar, or union as aforesaid, or within such limits as shall be so defined as aforesaid, shall be liable to be assessed or rated according to the provisions of this Act, for the purpose of maintaining the Chowkeydars appointed to be maintained in such city, town, station, suburb, bazaar, or union.

Houses let to lodgers how to be assessed.

V. If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers or travellers, shall, for the purposes of this Act, be deemed to be the occupier of such house.

Penalty for removing, &c, name of street or number of house

VI. The Magistrate may cause a name to be given to any street and affixed in such place or places as he may think fit, and may also cause a number to be affixed to every house in any street or mohulla, for the purpose of identifying such house; and if any person shall wilfully remove, obliterate, or destroy such name or number, he shall be liable, on conviction by a Magistrate, to a fine not exceeding twenty Rupees.

Magistrate to determine number of Chowkeydars.

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VII. The Magistrate shall determine the number of Chowkeydars to be maintained in any city, town, or other such place as aforesaid; but the number of Chowkeydars so to be maintained shall not exceed one to every twenty-five houses.

VIII. The

VIII. The Chowkeydars appointed under this Act may be of different grades, and the wages to be paid to the several grades shall be determined by the Magistrate.

Grades and wages of Chowkeydars

IX. The Magistrate shall determine the total amount required to be raised in any year in any city, town, or other such place as aforesaid, for the purpose of maintaining the Chowkeydars appointed to be maintained therein, and for the purposes specified in Sections XXXIII, XXXIV, XXXV, and XXXVI, of this Act, together with such sum as the Magistrate may consider necessary to provide against the contingency of losses from defaulters in the current year, and the amount of losses, if any, actually sustained from defaulters in the preceding year.

Magistrate to determine the sum to be raised annually.

X. The tax to be levied in any city, town, or other place as aforesaid, for the purposes of this Act, may be either an assessment according to the circumstances and the property to be protected of the persons liable to the same, or a rate on houses and grounds according to the annual value thereof. The Local Government, on the report of the Magistrate and Commissioner of Circuit, shall determine in each case whether the tax to be levied shall be such assessment or such rate.

Nature of the tax to be levied.

XI. If the tax be an assessment according to the circumstances and the property to be protected of the persons liable to the same, the aggregate sum to be raised by such tax shall not exceed the average rate of two annas per mensem for each house, and the amount assessed in respect to any one house shall not be more than the pay of a Chowkeydar of the lowest grade. If the tax be a rate on houses and grounds, it shall not exceed five per centum of the annual value thereof.

Limitation of tax.

XII. For the purpose of making a rate under this Act, the annual value of the houses and grounds liable to the rate shall be computed and ascertained upon an estimate of the gross annual rent at which the same might reasonably be expected to let from year to year. Grounds used for purposes of trade shall be liable to the rate, but grounds

Rate how to be ascertained

grounds used for the purpose of cultivation or for depasturing cattle shall not be liable.

Magistrate may exempt occupiers unable to pay the assessment or rate.

XIII. The Magistrate may, at his discretion, exempt from the assessment or rate, or may relieve from the payment of his assessment or rate, any occupier who may be unable from poverty to pay the same.

Constitution of punchayets.

XIV. For the purposes hereinafter mentioned, the Magistrate shall constitute and appoint a punchayet for each such city, town, or other place as aforesaid, or, when he may see fit to divide any such city, town, or place into convenient divisions, for each division thereof, and shall issue a sunnud of appointment, specifying the names, residence, business, or other description of the persons appointed and the period for which the appointment is made. Every punchayet shall consist of three or five respectable persons residing or carrying on business in or near to any such city, town, or other place, or in or near to any such division thereof. Provided that, instead of any one such person, the Magistrate may appoint any person whom he may think fit to be a member of the punchayet, notwithstanding such person may not reside or carry on business in or near to such city, town, or other place, or in or near to any such division thereof.

Magistrate may appoint a person not residing in the place to be a member of punchayet.

Duties of punchayet.

XV. The punchayet so appointed, or the majority of them, shall, once in every year, if required so to do by the Magistrate, prepare and make, in accordance with the rules laid down in the requisition, an assessment or rate upon the several persons liable to be assessed or rated in respect of their occupation of property within the district (whether city, town, or other place as aforesaid, or any division thereof) for which the punchayet shall be appointed, and shall enter the same in a list which shall specify the names of the several occupiers of property within the district liable to be assessed or rated under the provisions of this Act, the trade, business, or other description of such occupier, the property occupied, and the amount payable monthly by such occupier. If the tax be a rate on the annual value of the property occupied, such annual

annual value and the total amount of the annual rate shall also be specified.

Form of Magistrate's requisition.

The requisition of the Magistrate to the punchayet to make out such list shall be in the form marked A. or B., as the case may be, set forth in the Appendix to this Act annexed, or to the like effect.

Punchayet may revise existing assessment or rate.

XVI. The punchayet shall, if required by the Magistrate so to do, instead of making a new assessment or rate, revise and amend the assessment or rate then in force.

Magistrate may amend and settle assessment or rate as revised by the punchayet.

XVII. When an assessment or rate shall have been made or revised, as the case may be, the punchayet shall forward to the Magistrate the list containing the same; and the Magistrate shall revise, and, if necessary, amend and settle it.

Assessment or rate to be published.

XVIII. When the assessment or rate shall have been settled, the Magistrate shall sign the list, and shall cause one copy thereof, together with a Notification prepared according to the form marked C. in the Appendix to this Act, or to the like effect, and written in the language of the Province in which the city, town, or place is situate, to be stuck up in some conspicuous place in the district for which the assessment or rate has been made; and another copy, together with a like Notification, at the nearest Police thanna; and shall also cause a third copy to be deposited in his own office.

Assessment or rate to stand good for one year.

XIX. Unless revised or corrected as hereinafter provided, every assessment or rate under this Act shall stand good for one whole year, and until a new one is made, and in case the occupier of any property included in any assessment or rate shall be changed before a new one is made, the new occupier shall be liable in respect of such property for any portion of the assessment or rate which shall have become payable during his occupation instead of the former occupier thereof; and, after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupier. Every

Change of occupation before a new assessment or rate.

assessment

assessment or rate which shall be revised according to the provisions of Section XVI shall be deemed a new assessment or rate. Provided always, that, if no new assessment or rate is made within the first three months of any year, the list of the previous year shall be re-published according to the provisions of Section XVIII, and shall thereupon be deemed to be the assessment or rate for the current year, and shall be open to appeal under the next succeeding Section.

Revised assessment or rate to be deemed a new one.

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XX. Any person assessed or rated, who shall be dissatisfied with his assessment or rate, or who shall dispute his occupation of any property, or his liability to be assessed or rated, may appeal on unstamped paper to the Magistrate, and the Magistrate, after making such inquiries as he deems necessary, by examination of the appellant on oath or solemn affirmation, or otherwise, may confirm the assessment or rate or amend the same. In case the Magistrate confirm the assessment or rate, he may award costs against the appellant. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment or rate, nor shall the liability of any person to be assessed or rated be questioned in any other manner or by any other Court. Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment or rate prescribed by Section XVIII, or of the notification of the substitution of the name of an occupier under Section XIX, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

Appeal from assessment or rate.

Limitation of appeal.

XXI. The Commissioner of Circuit, with the consent of the Local Government, may at any time direct the Magistrate to revise the assessment or rate of any city, town, or other place as aforesaid, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise and, if necessary, amend the same.

Commissioner of Circuit may direct revision of assessment or rate.

XXII. The Magistrate may require the punchayet to revise the assessment or rate at any period during the year; but on every such occasion he shall address a written order to the punchayet, specifying the reasons which render such revision

Magistrate may direct revision at any time of the year, for reasons to be stated.

revision necessary, and requiring an amended return within a stated period.

Publication of assessment or rate as revised under the two last Sections.

XXIII. Whenever any assessment or rate is revised during the year as provided in the two last preceding Sections, a revised list, together with a Notification as prescribed in Section XVIII, shall be prepared and published in the manner therein directed. And all objections to such revised assessment or rate shall be made and dealt with in the manner prescribed in Section XX.

Penalty for refusal to serve on punchayet.

XXIV. If any person appointed a member of a punchayet refuse to undertake the office, or omit to perform the duties thereof, and do not, within fifteen days from the date of his appointment, show satisfactory grounds for his refusal or omission, or provide such a substitute as the Magistrate approves, the Magistrate may fine such person in a sum not exceeding fifty Rupees.

If punchayet refuse or omit to act, Magistrate may assume their functions.

XXV. If the persons appointed a punchayet, or a majority of them, refuse, or omit, for a period of fifteen days after the receipt of an order from the Magistrate, to perform the duties required of them, the Magistrate may himself make or revise the assessment or rate, and may enforce the same, as if it had been made or revised in the first instance by the punchayet. Provided that the functions of the punchayet shall not thereby absolutely cease and determine, but may be resumed at any time, only not so as to invalidate any act done by the Magistrate under this Section.

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Residents only bound to act on a punchayet.

XXVI. No person shall be bound to act on a punchayet unless he shall reside or carry on business within the limits of the district for which the punchayet is to be appointed.

Duration of punchayet and limitation of service thereon.

XXVII. Every punchayet shall be appointed for the period of one year, and no person shall be compelled to serve on a punchayet for more than one year at a time, or within less than three years after the expiry of previous service; but nothing

nothing in this Section shall prevent any person from being appointed to serve on a punchayet at any time whatsoever with his own consent.

Member of punchayet removable only on application of rate-payers.

XXVIII. If a majority of the persons assessed or rated in any district for which a punchayet shall be appointed, not being in arrear, make application in writing to the Magistrate for the removal of any member of the punchayet appointed for such district, the Magistrate, if he think it expedient, may remove such member from the punchayet.

Vacancies in punchayet how to be supplied.

XXIX. If any vacancy shall occur among the members of a punchayet, or if any member appointed shall refuse or decline or be unable to act, the Magistrate may nominate and appoint another person to supply the vacancy or to act in the stead of such member, subject to the rules already laid down as to the original appointment of members; but such appointment may be made by a written communication to the person appointed, and it shall not be necessary to issue a new sunnud under Section XIV of this Act.

Punchayet to report misconduct of Chowkeydars—or death or absence.

XXX. The punchayet shall give notice to the Magistrate of any neglect or misconduct on the part of any Chowkeydar within the district for which they are appointed, which shall come to their knowledge; and shall also give notice of any vacancy which shall occur in consequence of the death or absence of any Chowkeydar or from any other cause.

Appointment and duty of sudder punchayet

XXXI. In cities and large towns containing three or more divisions or districts, the Magistrate may appoint a sudder punchayet consisting of not less than five members, who may be selected either from the members of the local punchayets or from any other residents of the city or town. It shall be the duty of the sudder punchayet to assist the Magistrate, when required so to do, in carrying out generally the objects of this Act, and particularly in revising the assessment or rate made by the district punchayets and enquiring into and reporting on appeals preferred against the same.

XXXII. The

XXXII. The Chowkeydars to be employed under this Act shall be appointed by the Magistrate, and the Magistrate shall cause to be kept a Register in which shall be entered the name, age, place of residence, and previous occupation of every person so appointed, with the date of his appointment.

Appointment and registry of Chowkeydars

XXXIII. Subject to the approval of the Commissioner of Circuit, the Magistrate may appoint such number of Jemadars and Inspectors as may be necessary for the supervision and control of the Chowkeydars. Provided that the number of these officers shall not be greater than one Jemadar to fifteen Chowkeydars, and one Inspector to sixty Chowkeydars.

Appointment of Jemadars and Inspectors

XXXIV. Subject to the approval of the Commissioner of Circuit, the Magistrate may appoint one or more Tax Collectors or Darogahs, and such other servants as may be necessary for preparing, or assisting the punchayet in preparing, the assessment or rate, for copying the same, for collecting the tax, keeping the accounts and records, and otherwise carrying out the purposes of this Act. The Magistrate shall take from every Tax Collector or Darogah such security for the due disposal of the sums collected by him as may be thought necessary.

Appointment of Tax Collectors and other establishment

XXXV. The Magistrate may further incur any reasonable expense in the purchase of stationery, in providing badges, dresses, and weapons for the Chowkeydars and for any other contingencies that may seem to him necessary

Contingent expenses

XXXVI. After paying the wages of the Chowkeydars, and defraying the charges specified in the three last preceding Sections of this Act, the Magistrate may, with the sanction of the Commissioner of Circuit, appropriate any sum which may be available, to the purpose of cleansing the city, town, or place, or of lighting or otherwise improving the same.

Surplus funds may be devoted to Conservancy purposes.

XXXVII. The

XXXVII. The Tax-Darogahs shall prepare, from the lists hereinbefore mentioned, a Register, which shall be attested by the Magistrate or his Deputy or Assistant, and shall contain the names of all persons assessed or rated so far as they can be ascertained, the property in respect of which the assessment or rate in each case is imposed, and the amount payable monthly by each person

To prepare assessment lists.

XXXVIII. On the tenth of each calendar month, or so soon after as possible, the Tax-Darogah shall proceed in person or through some one of his office establishment, to collect the amount due for the current month from each person subject to the tax; and for all sums so collected, the Darogah shall grant a receipt. Provided that, with the sanction of the Commissioner of Circuit previously obtained, the collection may be made quarterly instead of monthly; and in such case, the amount due for each quarter shall be collected in the last month of that quarter.

To collect assessment.

XXXIX. The Tax-Darogah shall remit to the Magistrate, in such manner as the Magistrate shall direct, all sums of money collected either by himself or by any one of his establishment, and the Magistrate, or some officer of his establishment authorized on that behalf, shall give the Darogah a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to a separate Fund, to be called the Chowkeydaree Fund of the city, town, or place in or on account of which they are collected.

To remit collections to the Magistrate.

XL. The Tax-Darogah shall prepare all summonses and processes to be issued against defaulters, and shall make the usual returns thereto, and shall keep a regular account of all distresses levied and sales made by him for the realization of arrears.

To prepare summons, &c.

XLI. On the 20th of each calendar month, or as soon after as possible, the Tax-Darogah shall deliver or transmit to the Magistrate, in one list, a statement of all defaulters, the property in respect to which they are assessed or rated, the amount of the monthly assessment or rate, and the amount due from each.

To report defaulters to Magistrate.

XLII. On

XLII. On receipt of the aforesaid list, the Magistrate shall issue a summons against each of the defaulters therein mentioned, requiring him either to pay the demand or to attend at the Cutcherry of the Magistrate within a reasonable time, to be specified in the summons, to show cause for his refusal.

Summons of defaulters.

XLIII. If any defaulter fail to appear in answer to the summons, or having appeared, fail to satisfy the Magistrate that no arrear is due from him, the Magistrate may issue a warrant to the Tax-Darogah, authorizing him to levy the whole or any part of the demand by distress and sale of any goods and chattels belonging to the defaulter, or being at any time upon the premises in respect of which the arrear is due; and the Magistrate's order as contained in the warrant shall be final.

Assessment to be levied from defaulters by distress and sale.

XLIV. The Tax-Darogah shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give previous notice of the sale, and the time and place thereof, by beat of drum, in the district in which the property is situated. If the arrear be not paid with costs, or the warrant be not in the meantime discharged or suspended by the Magistrate, the goods and chattels seized shall be sold at the time and place specified, in the most public manner possible; and the proceeds shall be applied in discharge of the arrears and costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The Tax-Darogah shall make a return of all such sales to the Magistrate in the form specified in Appendix D., and the costs upon every such proceeding shall be such as are mentioned and set forth in Appendix E. annexed to this Act.

Sale how to be conducted.

Proceeds how to be applied.

Returns of sale.

Costs.

XLV. Any Tax-Darogah or other servant appointed under this Act, and any Chowkeydar or Officer of Police, who shall purchase any property at any such sale as aforesaid, shall be liable, upon conviction before a Magistrate, to a penalty not exceeding fifty Rupees; and the property shall be confiscated.

Penalty for Tax-Darogah purchasing at such sales.

XLVI. If

XLVI. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the district in which the premises are situate, the Magistrate may issue his warrant to the Nazir of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever; and such other Magistrate shall back the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant.

Sale of property beyond limits of town, &c.

XLVII. All goods and chattels, except tools or implements of trade, which may be found upon any premises in respect of which an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattels belong to any person other than the defaulter, the defaulter shall indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same Provided that no distress shall be made for any arrears due under this Act, after the expiration of six calendar months from the time when such arrears became due.

All goods found on premises liable to sale.

But owner of goods to be indemnified by the defaulter.

XLVIII. Every person who shall wilfully obstruct or molest any Tax-Darogah or any of his establishment, in the performance of their duties under this Act, or shall fraudulently conceal, remove, or dispose of any of his property for the purpose of avoiding a distress under the provisions of this Act, or shall knowingly assist any other person in so doing, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty Rupees.

Penalty for obstructing Tax-Darogah in execution of duty.

XLIX. The Magistrates shall receive and try all complaints preferred on oath or solemn affirmation against any Tax-Darogah or other person appointed under this Act for extortion, malversation, or other misconduct in the discharge of his duty.

Magistrates to try complaints against Tax-Darogah of extortion, &c.

duty. On proof of any such offence, the Tax-Darogan or other person as aforesaid shall be liable to dismissal from office, and to imprisonment, with or without labor, for a period not exceeding six months, and may also be compelled to refund any money corruptly or unduly exacted or received, and to deliver up any effects which may have been illegally distrained or sold, or the value thereof, or in default and until such delivery or refund be made, shall be liable to further imprisonment, with hard labor, for not more than six months. But nothing in this Section shall be taken to prevent the Magistrate from committing any Tax-Darogah or other person as aforesaid for trial before the Sessions Court, or to limit the power of the Sessions Court in regard to the punishment of such offences under the general law.

Penalty for extortion, &c.

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L. The Chowkeydars, and the Jemadars and Inspectors appointed under this Act, shall exercise all the powers, and perform all the duties, and be subject to all the liabilities of Police Officers as prescribed in the General Regulations of the Bengal Code or Acts of the Government of India for the time being in force, so far as such powers, duties, and liabilities are not inconsistent with, or otherwise expressly provided for by this Act. The Chowkeydars and the Jemadars and Inspectors are in all respects subordinate to the Police Darogah of the thanna, within the limits of which they may be employed.

Powers, duties, and liabilities of Chowkeydars, Jemadars, and Inspectors.

LI. Every Chowkeydar appointed under this Act shall wear a badge with a number, and the name of the city, town, place, or division for which he is appointed, engraved thereon.

Chowkeydars to wear badges.

LII. Every Chowkeydar and every Jemadar and Inspector appointed under this Act shall have power, without warrant, to apprehend and convey immediately to the nearest Police Station any person or persons taken in the act of committing any heinous offence, or whom he shall have just cause to suspect to be about to commit or to have committed a heinous offence, or against whom a hue and cry shall be raised.

Duties of Chowkeydars—

To apprehend offenders.

Second.—He shall have power to prevent obstructions and nuisances on the roads and streets.

To prevent nuisances.

Third.

Third.—He shall give immediate intelligence to the Police Darogah of the resort to his division of any receivers of stolen goods, or of any robbers or other persons of notorious or suspected character, or of any circumstances likely to occasion a breach of the peace.

To give intelligence of resort of thieves, &c.

Fourth.—He may stop, examine, and if necessary detain, any person who shall be reasonably suspected at any time of having or conveying any thing stolen, or who shall be found between sunset and sunrise lying or loitering in any highway, yard, or other place, and unable to give a satisfactory account of himself, and may convey such person to the nearest Police Station.

To examine and detain suspected persons

LIII. If a Chowkeydar or other Police Officer be unable to effect an arrest, he may require all persons present to assist him; and any person who refuses or neglects to comply with such requisition, shall be liable, on conviction by a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment not exceeding two months.

All persons required to assist Chowkeydars in making arrests.

LIV. On the fifteenth day of each month, or on such other day not later than the fifteenth day of the month, as the Magistrate may appoint, the Chowkeydars and the Jemadars and Inspectors (if any) shall be mustered at the thanna to which they are attached, and the Police Darogah or Mohurrer of the thanna shall there pay them the wages due to them up to the close of the preceding month, and shall at the same time take the receipt of each Chowkeydar in an official register of receipts prepared for the purpose; and the Darogah, after signing the register in attestation of its correctness, shall transmit the same to the Magistrate.

Chowkeydars, &c, how to be paid

LV. Any Chowkeydar and any Jemadar or Inspector appointed under this Act, who is convicted of neglect of duty or misconduct, shall be liable to fine to an extent not exceeding half a month's wages, or to imprisonment for any period not exceeding six months.

Punishment of Chowkeydars for neglect of duty, &c.

LVI. The

LVI. The Magistrate may suspend or dismiss any Officer appointed under this Act, whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Suspension or dismissal of Police Officers.

LVII. All fines levied under this Act shall be credited to the Chowkeydaree Fund and held available for the purposes of this Act.

Fines how to be disposed of.

LVIII. Assistants to Magistrates vested with special powers, and Deputy Magistrates vested with special powers, when posted at stations other than the sudder station of the Magistrate, and empowered, under Act X of 1854, to try cases without reference from the Magistrate, may exercise all the powers hereby vested in a Magistrate; and any Assistant or Deputy Magistrate vested with special powers may perform any of the duties hereby assigned to a Magistrate when referred to him by the Magistrate to whom he is subordinate.

Jurisdiction.

LIX. All the proceedings of a Magistrate under this Act, except as otherwise specially provided, shall be subject to the control of the Commissioner of Circuit; and all the proceedings of the Commissioner of Circuit shall be subject to the control of the Local Government.

Proceedings of Magistrate and Commissioner of Circuit respectively subject to control of Local Government.

LX. Nothing contained in this Act shall extend to the Town of Calcutta.

Act not to apply to Town of Calcutta.

LXI. Wherever in this Act, or in any Appendix thereto, there is nothing in the context requiring a different interpretation—

Interpretation of Act.

The word "Magistrate" shall include a Joint Magistrate and any person lawfully exercising the powers of a Magistrate.

The word "House" shall include any shop or warehouse.

The word "Bazaar" shall mean any place of trade where there is a collection of shops or warehouses.

The

The word "District" shall mean a city, town, bazaar, or union, or any division thereof.

The expression "Police Darogah" shall include any Tuhseeldar or Naib Tuhseeldar entrusted with Police jurisdiction

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APPENDIX A.

To

[*Here insert the names, places of abode, business, or other description of the punchayet.*]

I do hereby require you, the punchayet appointed under Act XX of 1856, with all reasonable expedition, not exceeding *(Here insert a period to be fixed by the Magistrate)* from the date hereof, to make out and forward to me, the undersigned Magistrate of the Zillah of , a fair and equitable assessment upon the several occupiers of houses, shops, and buildings, in the *(Here describe the city, town, place, or division,)* for the purpose of raising the sum of Rupees required for the maintenance of Chowkeydars for the year commencing on and other expenses authorized by Act XX of 1856. You shall regulate and determine the amount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. But the amount assessed in respect of any one house shall not exceed Rupees *(Here insert the pay of a Chowkeydar of the lowest grade)* and the aggregate amount assessed shall not exceed the average rate of 2 annas per mensem for each house, shop, or building in the district.

If the occupier of any house in the said district shall be unable, on the ground of poverty, to pay the assessment to which he is liable under this Act, you shall exempt him from the same; but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or

who

who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house and shall be assessed accordingly.

The assessment which you are hereby required to make shall specify the name of every occupier of property liable to be assessed, the name, trade, or business or other description of the person assessed, the annual assessment, and the quota payable monthly; and may be in the following form, or to the like effect:—

Property occupied.	Name of occupier.	Profession or business or other description.	Amount of monthly payment.

APPENDIX B.

To

[*Here insert the names, places of abode, business, or other description of the punchayet.*]

I do hereby require you, the punchayet appointed under Act XX of 1856, with all reasonable expedition, not exceeding (*Here insert a period to be fixed by the Magistrate*) from the date hereof, to make out and forward to me, the undersigned Magistrate of the Zillah of , a fair and equal rate upon the several occupiers of houses, shops, and buildings, and of grounds occupied for the purpose of trade or business, in the (*Here describe the city, town, place, or division*), for the purpose of raising the sum of Rupees required for the maintenance of Chowkeydars for the year commencing on and other expenses authorized by Act XX of 1856. You shall regulate.

gulate and determine the amount of the rate to be levied from every such occupier according to the annual value of the property occupied.

The rent at which any such property may reasonably be expected to let for one year shall be deemed the annual value of such property. The rate shall be an equal per-centage, not exceeding 5 per cent., of such annual value.

Any person occupying ground for the purpose of trade is to be rated in respect thereof, but a person occupying ground for the purpose of cultivation or for depasturing cattle is not to be rated in respect thereof.

If the occupier of any house or ground, in the said district, shall be unable, on the ground of poverty, to pay the rate to which he is liable under this Act, you shall exempt him from the same; but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers shall be deemed the occupier of such house, and shall be rated accordingly.

The rate which you are hereby required to make shall specify the name of every occupier of property liable to be rated, the name, trade, or business or other description of the person rated, the annual rateable value of the property, the annual rate, and the quota payable monthly; and may be in the following form, or to the like effect —

Property occupied.	Name of occupier.	Profession or business or other description.	Annual value of property.	Annual rate.	Amount of monthly payment.

Appendix C.

APPENDIX C.

An assessment *(or rate, as the case may be,)* made for *(Here describe the city, town, village, or other place or division for which the rate is made)* upon the several occupiers of houses and other property in the said district, pursuant to Act XX of 1856, for the purpose of maintaining Chowkeydars for such district.

Property occupied.	Names of occupiers.	Profession or business.	Amount of monthly *(or quarterly)* assessment *(or rate)*

Whereas the above assessment *(or rate, as the case may be,)* has been duly made pursuant to Act XX of 1856, and has been revised and settled by me, the undersigned Magistrate of , the several persons whose names are included in the said assessment *(or rate)* are hereby required to pay the monthly *(or quarterly)* contributions set opposite to their names with regularity to the Tax-Darogah or other person appointed by the Magistrate to receive the same, the first payment on the 10th day of the month next succeeding the date of this Notification, and every subsequent payment on or before the 10th day of each succeeding month *(if the tax is to be collected quarterly, the months in which the payment is to be made must be specified)*, or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed *(or rated)* and such other proceedings adopted for the recovery of the same as are allowed by Law.

Dated this day of

Magistrate of

APPENDIX D.

1	2	3	4	5	6	7	8	9	10	11
District.	Names of defaulters.	Amount of defalcation.	Amount, cost, or penalty.	Inventory of property seized under distress.	Date of distress.	Date of sale.	Property sold.	Amount realized on each article.	Purchaser's name.	Balance.

APPENDIX E.

Table of Fees payable in distraints under this Act.

Sum distrained for.	Fee.	
	Rs.	As.
Under 1 Rupee	0	4
1 and under 3 Rupees	0	8
3 „ 5 „	1	0
5 „ 10 „	1	8
10 „ 15 „	2	0
15 „ 20 „	2	8
20 „ 25 „	3	0
25 „ 30 „	3	8
30 „ 35 „	4	0
35 „ 40 „	4	8
40 „ 45 „	5	0
45 „ 50 „	5	8
50 „ 60 „	6	0
60 „ 80 „	7	8
80 „ 100 „	9	0
Above 100	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case 3 annas must be paid daily for each man.

ACT No. XXI OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 22nd November 1856.*)*

AN ACT *to consolidate and amend the Law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal.*

Preamble.

WHEREAS it is expedient that the laws relating to the manufacture of spirits and the sale of spirituous and fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom, should be consolidated and amended: It is enacted as follows:—

Regulations and Acts repealed.

I. Regulation II. 1802; Regulation X. 1813; Regulation XVII. 1814; Section XLI and the following Sections of Regulation XIII. 1816; Regulation XI. 1818; Regulation VII. 1824, except the first five Clauses of Section XVIII and Sections XXIII and XXIV, and Regulation VIII. 1826, of the Bengal Code; and Act XXV of 1840, Act IX of 1841, and Act XXIII of 1848, are hereby repealed, except so far as they repeal the whole or part of any other Regulation or Act, and except as to acts done, offences committed, and liabilities incurred, before the passing of this Act.

Collectors of Land Revenue to have charge of the Abkaree Revenue.

II. The collection of the revenue arising from the manufacture of spirits, and the sale of spirits and spirituous and fermented liquors and intoxicating drugs, shall be ordinarily under the charge of the Collectors of Land Revenue, who shall perform the duties connected therewith under the control and direction

PRICE 5 ANNAS.

of the Commissioners of Revenue, and of the Board of Revenue. But the Government may appoint any other person to be Superintendent of Abkaree Revenue in any district or place; and any person so appointed shall exercise, in such district or place, all the powers and authority vested by this Act or by Act XI of 1849 in the Collector of Land Revenue; and such powers and authority shall cease to be exercised in such district or place by the Collector of Land Revenue during the continuance of such appointment.

Government may appoint Commissioners of Abkaree.

III. The Government may also appoint a Commissioner or Commissioners for the control and direction of the officers having charge of the Abkaree revenue in any district or districts; and when such appointment is made, the Commissioner of Abkaree shall exercise within such district or districts the powers and authority vested by this Act or by Act III of 1856 in Commissioners of Revenue; and the Revenue Commissioner shall cease to exercise such powers and authority in the said district or districts during the continuance of such appointment.

Collectors may appoint Abkaree officers.

IV. Collectors may appoint darogahs, jemadars, peons, surveyors, gaugers, and other officers, for the collection of the Abkaree revenue and for the prevention of smuggling, and the officers so appointed shall, in addition to their ordinary designations, be styled Abkaree officers. In districts where there are tuhseeldars and other local officers for the collection of the Land Revenue, the office of Abkaree darogah may be united with that of tuhseeldar, naib tuhseeldar, or peshkar; and in such cases, the tuhseeldar, naib-tuhseeldar, or peshkar, and the officers subordinate to him, shall be held and deemed to be Abkaree officers within the meaning of this Act.

Tuhseeldars may be Abkaree darogahs.

English distilleries not to be constructed or worked without license.

V. It shall not be lawful for any person to construct or work a distillery after the manner in which distilleries are constructed and worked in England, without a license under the signature of the Collector of the district in which such distillery is situated, or in case the distillery is within twenty miles of Calcutta,

Calcutta, or such other distance less than twenty miles, as may from time to time be prescribed by the Lieutenant-Governor of Bengal, under the signature of the Collector of Calcutta.

Board of Revenue to prescribe rules for regulating English distilleries

VI The Board of Revenue, with the sanction of Government, may prescribe such rules relative to the granting of licenses under the preceding Section, to the notices to be given by the proprietor of a licensed distillery when he commences and discontinues work, to the size and description of the stills, to the passing and storing of the spirits, to the inspection and examination of the distillery and warehouses, and of the spirits manufactured and stored therein, and to the furnishing of statements and lists of such spirits, and of the stills, coppers, casks, and other utensils used in the distillery, as may from time to time be judged expedient.

Rate of duty to be levied on spirits.

VII. A duty shall be levied on spirits manufactured at distilleries worked according to the English method, at the rate of one Rupee the imperial gallon of the strength of London-proof, to be augmented or reduced in proportion to the strength of the spirit. No spirit shall be removed from any such distillery, or the warehouses connected therewith, upon which the aforesaid duty has not been paid, or for the duty chargeable on which a bond has not been executed as hereinafter provided; and for all spirits removed upon payment of duty or under bond, passes shall be issued by the Collector, which shall specify the quantity and strength of the spirit, the place of its destination, the person to whom it is consigned, and whether the duty has been paid or secured by bond.

Drawback on exportation.

VIII. A drawback of the duty paid as above on spirits manufactured after the English method, and exported by sea in the manner hereinafter prescribed, to any port not subject to the Government of the East India Company, or to any port in the Settlement of Prince of Wales' Island, Singapore, and Malacca, or to the Port of Aden, shall be allowed by the Collector of Customs at the port of exportation. Provided always, that the exportation shall be made within one year from the date of the payment of duty under this Act, and that the spirits, when brought to the Custom House, shall be accompanied by the pass in which such payment is certified.

IX. Spirits may be removed from any licensed distillery for exportation as aforesaid without payment of duty, under such rules and restrictions as may be from time to time prescribed by the Board of Revenue, on the person removing them executing a bond, with one or more sureties, to the East India Company, in the form hereunto annexed, for the payment of the prescribed duty upon such portion of the said spirits as may not be exported within four months from the date of the bond. Provided, however, that it shall be lawful for the Collector, with the sanction of the Commissioner, on sufficient cause shown, to extend the period allowed for the exportation of the spirits for a further term of four months.

Spirits may be removed for exportation under bond.

X. Spirits brought to the Custom House for exportation by sea shall, previous to shipment, be gauged and proved by an officer of the Customs. The amount of drawback to be allowed upon spirits for which duty has been paid shall be regulated according to the strength and quantity of the said spirits as ascertained by such proof and gauge ; and the quantity of spirits, for which credit is to be given in the settlement of any bond, shall be determined in the same manner. Spirits under bond shall be taken from the distillery direct to the Custom House, under passes to be granted for that purpose by the Collector.

Rules to be observed in the exportation of spirits.

XI. When spirits are passed from a distillery under bond, duty shall be recoverable upon any difference between the quantity of spirits so passed from the distillery and the quantity ascertained by gauge and proof at the Custom House, less such allowance for ullage and leakage as may be prescribed by the Board of Revenue.

Duty to be recovered on any deficiency in spirits under bond.

XII. Spirits brought to the Custom House under bond for exportation may nevertheless be removed for local consumption under passes to be granted for that purpose by the Collector of Revenue, upon payment of the prescribed duty on the quantity so removed ; and credit for such payment shall be given on the settlement of the bond.

Spirits intended for exportation may be removed for local consumption.

XIII. Any

XIII. Any sum which may remain due to Government upon the settlement of a bond executed according to the provisions of this Act, may be recovered by any process which is or may be in force for the recovery of arrears of revenue due from farmers of land or their sureties, or by suit on the bond in any Court of competent jurisdiction.

Recovery of sums due under bond.

XIV. No drawback shall be allowed on any duty-paid spirits, nor shall the duty due on any spirits under bond be remitted, unless the spirits shall be shipped from the Custom House, and upon a vessel to which a Custom House officer has been appointed to superintend the receipt of export cargo. Spirits shipped for exportation shall not be re-landed without a special pass from the Collector of Revenue in addition to the usual order of the Collector of Customs.

Spirits how to be shipped.

Spirits shipped for exportation not to be relanded.

XV. No drawback shall be allowed on spirits exported to any port subject to the Government of the East India Company, other than the ports mentioned in Section VIII of this Act, or on spirits shipped as stores; nor shall spirits under bond be so exported or shipped without payment of the duty prescribed by this Act.

No drawback on spirits exported to Indian ports or shipped as stores.

XVI. Rum shrub, cordials, and other liquors, prepared in a licensed distillery under the supervision of the surveyor or officer in charge of the distillery, shall be charged with duty according to the quantity of spirit used in the preparation; and all the provisions contained in this Act respecting spirits manufactured after the English method, except such as relate to gauge and proof, shall be applicable to such liquors. When any such liquors are removed for exportation without payment of duty, the bonds to be executed by the persons removing them shall be in the annexed form.

Rum shrub, &c., how to be charged with duty—may be exported under the same rules as spirits.

XVII. All licensed distilleries, constructed and worked after the English method, and situated within twenty miles of Calcutta, or such other distance less than twenty miles, as may from time to time be prescribed by the Lieutenant-

Distilleries within twenty miles of Calcutta to be under the Collector of Calcutta.

Governor of Bengal, shall be under the superintendence and control of the Collector of Calcutta, who shall exercise, with respect to such distilleries and to the spirits manufactured therein, all the powers vested in Collectors by this Act; and the Collectors of districts in which any such distilleries are situated shall have no jurisdiction with respect to such distilleries.

Penalty for constructing or working a distillery or collecting materials without license.

XVIII. Every person who shall construct or work a distillery after the English method, without a license from the Collector, shall forfeit for every such offence a sum not exceeding one thousand Rupees; and all spirits manufactured at any such distillery, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

Penalty for non-observance of rules prescribed by Board of Revenue.

XIX. Every proprietor or manager of a licensed distillery constructed and worked after the English method, who shall omit to furnish any notice or any statement or list required by the rules prescribed by the Board of Revenue under Section VI of this Act, or shall wilfully do any thing in contravention of the said rules, shall forfeit for every such offence a sum not exceeding two hundred Rupees; and if any such offence be committed a second time with respect to the same distillery, the license granted for the working of such distillery may be withdrawn by the Collector.

Penalty for removing spirituous liquors without payment of duty.

XX. Every person who shall remove, or attempt to remove, from any licensed distillery constructed and worked after the English method, any spirituous liquors upon which the duty has not been paid, or for the duty on which a bond has not been executed, or any spirituous liquors for which a pass has not been issued by the Collector, shall forfeit for every such offence a sum not exceeding one thousand Rupees; and the liquors, together with the vessels containing the same and the animals and conveyances used in carrying them, shall be liable to confiscation. If it shall appear to the Collector that the offence was committed with the consent or knowledge of the proprietor or manager, the license granted for the construction and working of the distillery from which such liquors have been removed or attempted to be removed may be withdrawn.

XXI. Every

XXI. Every person who shall re-land, or attempt to re-land, any spirituous liquors shipped for exportation, without a special pass from the Collector of Revenue at the place of exportation, shall forfeit for every such offence a sum not exceeding five hundred Rupees; and the liquors, together with the casks and vessels containing the same, and the carts, boats, and animals employed in carrying them, shall be liable to confiscation.

Penalty for irregular re-land of spirituous liquors.

XXII. Spirituous liquors manufactured at the foreign settlement of Chandernagore, or at any other place in India beyond the limits of the Company's territories, shall, on passing the limits of the Company's territories subject to this Act, be charged with the duty prescribed for proof spirits in Section VII of this Act: and any person who may be found in possession of any such liquors, without a pass from the Collector certifying the payment of such duty, shall forfeit for every such offence a sum not exceeding two hundred Rupees; and the liquors, together with the vessels containing the same, and the animals and conveyances used in carrying them, shall be liable to confiscation.

Spirits from foreign territory subject to duty.

XXIII. It shall not be lawful for any person to construct or work a brewery, or to manufacture any description of malt liquor, without a license from the Collector of the district. The Board of Revenue, with the sanction of Government, may prescribe such rules relative to the granting of licenses for constructing and working breweries as may from time to time be judged expedient.

Construction or working of breweries and manufacture of malt liquor, without license, prohibited.

XXIV. Every person who shall construct or work a brewery, or manufacture malt liquor, without a license, shall forfeit for every such offence a sum not exceeding five hundred Rupees.

Penalty

XXV. Spirituous liquors passed from distilleries worked according to the English method, fermented liquors manufactured at a licensed brewery, and spirituous and fermented liquors imported either by land or by sea, shall not be sold except under license from the Collector.

Spirituous and fermented liquors not to be sold without license

XXVI. Persons

XXVI. Persons taking out licenses for the whole-sale vend of spirituous and fermented liquors as aforesaid shall pay, for every such license, the sum of sixteen Rupees The license shall be current only during the official year, and in the district in which it is granted. But travelling merchants may obtain a general license, authorizing them to sell by whole-sale, in any district which they may visit in the course of their travel, without taking out a fresh license for that district, under such rules and restrictions as may be from time to time prescribed by the Board of Revenue

Fee for whole-sale license

XXVII. Persons taking out licenses for the retail sale of spirituous and fermented liquors as aforesaid shall pay for every such license such fee or tax as may be fixed by the Board of Revenue; and such fee or tax shall be payable at such periods as the said Board may direct. Provided that such fee or tax shall be at such rate for each license as shall not exceed the total sum of one hundred Rupees for the whole year. Any sale of spirituous or fermented liquors as aforesaid, in less quantity than two imperial gallons or one dozen of quart bottles, shall be held to be a retail sale.

Fee for retail license.

What to be held a retail sale

XXVIII. It shall not be lawful for any person to manufacture spirits after the native process, nor to sell such spirits, or taree, or puchwye, or ganjah, bhang, churrus, opium, or any preparation or admixture of the same, except under license from the Collector.

Country spirits, liquors, and drugs not to be sold without license

XXIX. All the provisions relating to the sale or possession of fermented liquors contained in the following Sections of this Act, shall be held applicable to the sale or possession of taree, whether in a fermented state or otherwise; and all taree, both fresh and fermented, shall be held to be included in the expression "fermented liquors" as used in the following Sections of this Act.

Taree to be held to be a fermented liquor

XXX Provided, however, that it shall be lawful for Government, on the report of the Board of Revenue, to pass an order suspending the operation of all the provisions relating to taree,

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taree, contained in this Act, with respect to any district in which the consumption of taree in a fermented state is inconsiderable; and after the passing of any such order, it shall be lawful for taree to be possessed and sold without license in any such district, notwithstanding any thing contained in this Act.

Collectors may establish distilleries for country spirits.

XXXI. The Collector, with the sanction of the Board of Revenue, may establish, at any place within his jurisdiction, a distillery in which spirits may be manufactured after the native process; and may from time to time fix limits within which no country spirits, except such as are manufactured at the said distillery, shall be introduced or sold without a special pass from the Collector, and within which no stills shall be constructed or worked, or spirits manufactured, except at the said distillery. He may also, with the like sanction, discontinue any distillery so established, whenever its discontinuance may appear to be expedient.

Board may prescribe rules for distilleries.

XXXII. The Board of Revenue may prescribe such rules relative to the management of distilleries established under the last preceding Section, to the conditions on which spirits may be manufactured in the said distilleries, and to the passes to be issued for the conveyance of such spirits to the shops of the vendors, as may from time to time be judged expedient.

And regulate the mode of supplying taree and intoxicating drugs to the licensed vendors thereof.

XXXIII. The Board of Revenue may regulate the mode in which taree shall be supplied to licensed vendors of the same; and may frame rules for the grant of licenses or passes to persons purchasing, transporting, or storing ganjah, bhang, or churrus for the supply of the licensed vendors of those drugs. They may also place the cultivation, preparation, and store of the intoxicating drugs above-mentioned under such supervision as may be deemed necessary to secure the duty leviable thereon.

Supply of Opium to licensed vendors.

XXXIV. Opium shall be supplied to licensed vendors from the Government stores in such manner and at such prices as the Board of Revenue may direct: and no other description

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of opium shall be sold by such vendors. Provided that the Government may, by an Order of Government, exempt any district or districts from the operation of this Section.

Sale of more than specified quantities of country spirits, &c., prohibited.

XXXV. Except for the supply of licensed vendors, country spirits, taree, and puchwye, and intoxicating drugs, shall not be sold in larger quantities than are here-under specified—namely, country spirits, one seer; taree or puchwye, four seers; ganjah or bhang, or any preparation or admixture of the same, one quarter of a seer; churrus or opium, or any preparation or admixture of the same, five tolahs weight: and the sale of any such quantity as is herein allowed shall be deemed to be a retail sale within the meaning of this Act.

Duty on the retail sale of country spirits, &c.

XXXVI. Whenever a license for the retail sale of country spirits, taree, or puchwye, or intoxicating drugs, shall be granted under this Act, the Collector shall be authorized to demand, in consideration of the privilege granted, such tax or duty, or a tax or duty adjusted on such principles, as may from time to time be fixed with the sanction of the Board of Revenue; and such tax or duty shall be specified in the license, and shall be payable at such periods as the said Board may direct. The Collector may grant special licenses for the sale of unfermented taree only, at those periods of the year when the fresh juice is in request: fees may be demanded for such special licenses at a rate not exceeding one Rupee for each license; and the vendors shall not be subject to any other tax or duty in respect of such sale.

Licensed retail vendors of country spirits to furnish security.

XXXVII. Every person taking out a license for the manufacture of country spirits, or for the retail sale of spirituous or fermented liquors, or intoxicating drugs, shall execute a counterpart engagement in conformity with the tenor of the license, and shall give such security for the performance of his engagement or make such deposit in lieu of security, as the Collector may require.

Duration and renewal of license.

XXXVIII. Unless otherwise specially authorized by the Board of Revenue, licenses for retail sale shall be granted for the term of one year, and if continued to the holders therof shall be

be formally renewed from year to year. But it shall be incumbent on every person holding a license, who may intend not to renew it, to give notice of his intention to the Collector fifteen days previously to the expiration of the year; and if such notice be not given, and the license be not recalled by the Collector, the license held, and engagement entered into by every such person, shall remain in force as if the said license and engagement had been formally renewed.

Board to regulate form of license.

XXXIX. The Board of Revenue shall have authority to regulate the form and conditions of all licenses granted under this Act

License may be recalled in certain cases.

XL. The Collector may recall or cancel any license granted under this Act, if the tax or duty therein specified be not duly paid, or in case of a violation of any other condition thereof, or of the holder being convicted of a breach of the peace or any other criminal offence. If the Collector desire to recall a license for any cause other than those above specified, he shall give fifteen days' previous notice and remit a sum equal to the tax for fifteen days, or if notice be not given, shall make such further compensation for default of notice as the Commissioner or Board of Revenue shall direct.

Surrender of license

XLI. Any licensed retail vendor may surrender his license on giving fifteen days' previous notice to the Collector, and paying a sum equal to the tax for fifteen days over and above the sum payable under the license.

Recovery of arrears of tax or duty

XLII. The Collector may recover any arrear of tax or duty due on account of any license granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due or of his surety, or by any other process which is or may be in force for the recovery of arrears of revenue due from farmers of land or their sureties.

Penalty for refusing to produce license on demand of Abkaree officer or for breach of license

XLIII. Every person licensed to manufacture country spirits, or to sell spirituous or fermented liquors or intoxicating drugs, who shall not produce his license on the demand of any Abkaree officer, or who shall commit any act in breach of any of the conditions of his license not otherwise

wise provided for in this Act, shall forfeit for every such offence a sum not exceeding fifty Rupees.

Penalty for sale in contravention of license.

XLIV. Every licensed retail vendor, who shall sell any larger quantity of spirituous or fermented liquors, or intoxicating drugs, than is allowed to be sold by retail by the provisions of this Act, and every licensed whole-sale vendor who shall make a retail sale, shall forfeit for every such offence a sum not exceeding two hundred Rupees.

Proviso.

Provided always, that nothing in this Section shall be held to prohibit the grant to the same person of both whole-sale and retail licenses, subject to the provisions of this Act

Penalty for permitting drunkenness, &c, in shop

XLV. Every person licensed to sell spirituous or fermented liquors, or intoxicating drugs, who shall permit drunkenness, riot, or gaming in his shop, or shall permit persons of notoriously bad character to meet or remain therein, or shall receive any wearing apparel or other effects in barter for liquors or drugs, shall forfeit for every such offence a sum not exceeding 200 Rupees.

Penalty for conveying country spirits from distillery without pass, &c.

XLVI. Every person who shall convey or attempt to convey any country spirits from a distillery established under Section XXXI of this Act without a pass, or exceeding the quantity for which a pass shall have been granted, or shall introduce or attempt to introduce any country spirits manufactured at another place into the limits fixed for the consumption of spirits manufactured at such distillery, without a special pass from the Collector, shall forfeit for every such offence a sum not exceeding five hundred Rupees.

Penalty for contravention of rules prescribed by the Board of Revenue.

XLVII. Every person who shall wilfully contravene any rule prescribed by the Board of Revenue for the management of a distillery established as aforesaid, otherwise than as provided for in the last preceding Section, shall forfeit for every such offence a sum not exceeding fifty Rupees.

Penalty for illicit manufacture or sale of country spirits, &c

XLVIII. Every person other than a licensed manufacturer, who shall manufacture any country spirits, and every person other than a licensed vendor, or a person duly authorized to supply liccensed vendors, who shall sell any spirituous or fermented

fermented liquors, or intoxicating drugs, and every person authorized to supply licensed vendors, who shall sell any such liquors or drugs to any person other than a licensed vendor, shall forfeit for every such offence a sum not exceeding five hundred Rupees. Provided always, that nothing in this Section or in Section XXV shall apply to the sale by auction of any spirituous liquors, wines, or beer purchased by any person for his private use and so disposed of upon such person quitting a station or after his decease.

Proviso

XLIX Every person, other than a licensed manufacturer or vendor, or a person duly authorized to supply licensed vendors, who shall have in his possession any larger quantity of country spirits, or taree, or puchwye, or intoxicating drugs, except opium, than may legally be sold by retail under the provisions of Section XXXV of this Act, or shall transport by land or by water, or have in his possession, any spirituous liquors made at a distillery worked according to the English method, or any imported spirituous or fermented liquors, in larger quantity than two gallons, without a pass from the Collector or other Officer duly empowered in that behalf, shall forfeit for every such offence a sum not exceeding two hundred Rupees; and the liquors and drugs, together with the vessels, packages, and coverings in which they are found, and the animals and conveyances used in carrying them, shall be liable to confiscation. Provided always, that nothing in this Section shall extend to any spirituous liquors, wines, or beer, purchased by any person for his private use and not for sale.

Penalty for illegal possession of country spirits, &c

Proviso

L The provisions of the two last preceding Sections, so far as they relate to the sale and possession of fermented liquors, shall not be held applicable to the sale and possession of taree, the produce of the date tree, when supplied or used for the manufacture of goor or molasses; and the provisions of the said Sections relating to the sale and possession of intoxicating drugs, shall not be held applicable to the sale and possession of ganjah or bhang by the cultivators of the plants which produce those drugs respectively. But such cultivators are prohibited from selling any ganjah or bhang to any one other

Provisions of the two last preceding Sections not to apply to the sale and possession of taree when supplied to sugar manufactories, nor to the sale and possession of ganjah and bhang by cultivators

Cultivators of ganjah or bhang to sell only to licensed persons.

other than a licensed vendor, or a person duly authorized to purchase by pass or license from the Collector; and every such cultivator who shall act in breach of this prohibition, shall forfeit for every such offence a sum not exceeding five hundred Rupees.

Penalty for having in possession a greater quantity of opium than five tolahs weight

LI Every person, other than a licensed vendor, who shall have in his possession a greater quantity of opium than five tolahs weight, shall forfeit for every such offence a sum not exceeding five hundred Rupees, unless the opium found in the possession of such person shall exceed the weight of thirty-one seers and a quarter, in which case the penalty may be increased at a rate not exceeding sixteen Rupees the seer for all the opium so found in excess of that weight, and the opium, together with the vessels, packages, and coverings in which it is found, and the animals and conveyances used in carrying it, shall be liable to confiscation.

Exception in favor of—

LII. Provided always, that nothing in the last preceding Section shall extend to the persons and circumstances hereinafter specified, namely :—

Opium cultivators

1 Authorized opium cultivators having newly extracted opium in their possession during the usual period between the full growth of the poppy, and the delivery of the produce to the Opium Agent.

Travellers

2. Travellers and visitants from foreign states or countries having in their possession any quantity of foreign opium not exceeding two seers, the produce of such states and countries, and intended for the private use of such travellers and visitants, or their attendants, and not for sale or traffic.

And horse dealers

3 Dealers in horses travelling with strings of horses from beyond the South-West frontier of the territory under the Government of the Lieutenant-Governor of the North-Western Provinces, and having in their possession opium, the produce of foreign

foreign states or countries, not exceeding in quantity the proportion of ten tolahs weight for each horse.

Penalty for possession of excessive quantity of opium by travellers, &c

If opium be found in the possession of any traveller or visitant, or any dealer in horses as aforesaid, in excess of the quantities above specified, such excess shall be liable to confiscation, but the persons in whose possession it may be found shall not be subject to any further penalty.

Penalties for sale of adulterated opium, &c., by licensed vendors.

LIII. Every licensed vendor, who shall sell or offer for sale opium adulterated with any foreign substance, not being a preparation or admixture of opium for the sale of which such vendor may have taken out a license, or, except in districts exempted from the operation of Section XXXIV, shall sell or have in his possession any opium other than the opium supplied to him from the Government stores, shall forfeit for every such offence a sum not exceeding five hundred Rupees, and the license held by him shall be withdrawn, and the opium, together with the vessels or packages in which it is found, shall be seized, and confiscated.

Penalty for conniving at the illicit manufacture or sale of spirits, &c.

LIV. Every proprietor, farmer, tuhseeldar, gomashtah, or other manager of land, who shall authorize or connive at the manufacture of country spirits or the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, shall forfeit for every such offence a sum not exceeding five hundred Rupees.

Power of Abkaree officers to inspect shops.

LV. Any Abkaree officer may enter and inspect at any time by day or by night the shop or premises in which any licensed manufacturer or retail vendor shall carry on the manufacture of country spirits, or the sale of spirituous or fermented liquors, or intoxicating drugs.

And to arrest persons carrying spirits, &c., liable to confiscation.

LVI. Any Abkaree officer may stop and detain any person carrying any spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act; and may seize the liquors or drugs with the vessels, packages, or coverings

in

in which they are contained, and the animals and conveyances used in carrying them ; and may also arrest the person in whose possession such liquors or drugs are found.

And to arrest unlicensed distillers, &c.

LVII. Any Abkaree officer above the rank of a jemadar of peons may arrest any person having in his possession an unlicensed still, or any spirituous or fermented liquors, or intoxicating drugs, liable to confiscation under this Act, or engaged in the unlawful sale of spirituous or fermented liquors, or intoxicating drugs, and may seize such still with the materials for working it, and all such liquors and drugs.

Power of Abkaree officers to search on information of illicit manufacture or possession.

LVIII. Whenever any Abkaree officer above the rank of a jemadar of peons, shall have good reason to believe, from information given by any person, which information shall be taken down in writing, that spirits are unlawfully manufactured, or that any spirituous or fermented liquors, or intoxicating drugs liable to confiscation under this Act, are kept or concealed in any house, boat, or other place, such officer may, between sunrise and sunset, but always in the presence of a darogah or other officer of Police not being under the grade of a jemadar, enter into any such house, boat, or place, and in case of resistance may break open any door, and force and remove any other obstacle to such entry ; and may seize and carry away all stills and materials used in the manufacture of such spirits, and all such liquors and drugs ; and may also arrest the occupier of the house, boat, or place with all other persons concerned in the manufacture of such spirits, or in the keeping and concealing of such liquors or drugs.

Officers of the Police, Customs, and Revenue Departments may be vested with same powers as Abkaree Officers.

LIX. The powers of seizure, search, and arrest, given to Abkaree officers by the three last preceding Sections, shall, in regard to the seizure and search for contraband opium and the arrest of persons found in possession thereof, be vested also in the officers of the Police, Customs, and Revenue Departments according to their respective grades. And it shall further be lawful for the Government to invest the officers of those departments, or of any of them, with the like powers with respect to the seizure of, and search

of

for, spirituous and fermented liquors and intoxicating drugs of every description, and the arrest of persons found in possession of them ; and all such officers when so empowered, as well as all Police, Customs, and Revenue officers when acting under the authority conferred by this Section for the suppression of illicit dealings in opium, shall be held and deemed to be Abkaree officers within the meaning of this Act.

Abkaree officer to report every arrest, seizure, or search to his official superior, and to take the person arrested to the Magistrate for trial, &c

LX. Whenever an Abkaree officer shall arrest any person, or seize any still, or any liquors or drugs liable to confiscation under this Act, or enter any house, boat, or place for the purpose of searching for any such illicit articles, he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, or seizure, or search, to his official superior, and unless acting under the warrant of the Collector, shall carry the person arrested, or the illicit article seized, with all convenient despatch, to the Magistrate for trial or adjudication.

Collector may issue warrant of arrest in certain cases

LXI. The Collector may issue his warrant for the arrest of any person whom he may have reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirituous or fermented liquors or intoxicating drugs, or to have in his possession any such liquors or drugs liable to confiscation under this Act.

Collector may issue search-warrant.

LXII. The Collector may issue his warrant for the search of any house, boat, or other place, in which, upon any of the grounds mentioned in the last preceding Section, he may have reason to believe that spirits are unlawfully manufactured, or that spirituous or fermented liquors or intoxicating drugs, liable to confiscation under this Act, are kept or concealed, and such warrant may be executed by any officer above the rank of a jemadar, of peons, in the manner prescribed in Section LVIII of this Act.

Procedure after arrest or seizure

LXIII. Whenever any person is arrested, or any articles are seized under the warrant of a Collector, the Collector, after such enquiry as he thinks necessary, shall send the

person

person arrested or the articles seized to the Magistrate, or shall order the immediate discharge of such person or the release of such articles.

Penalty for obstructing Abkaree officers

LXIV. Every person who shall obstruct or resist any Abkaree officer in the due execution of this Act, or of any rules prescribed under the authority thereof, shall forfeit for such offence a sum not exceeding five hundred Rupees.

Police officers to assist Abkaree officers

Penalty

LXV. All Police officers are required to aid the Abkaree officers in the due execution of this Act, upon notice given or request made by such officers; and any Police officer who, without lawful excuse, shall neglect or refuse to assist as aforesaid, and any Darogah or other officer in charge of a Police station, who, on application made by an Abkaree officer under Section LVIII of this Act, shall fail to attend a search himself, or to depute a subordinate officer not being below the grade of a jemadar, shall forfeit for such offence a sum not exceeding five hundred Rupees.

Penalty for maliciously giving false information.

LXVI. Every person who shall maliciously give false information against any person as being engaged in the unlawful manufacture of spirits, or as selling or having in his possession any spirituous or fermented liquors or intoxicating drugs in contravention of this Act, and so procure that such person be arrested, or that any house, boat, or other place be searched, to the injury or annoyance of such person, or any other person whatsoever, shall forfeit for such offence a sum not exceeding five hundred Rupees, which sum, or any portion thereof, may be paid to the person aggrieved, and shall be further liable to imprisonment for a period not exceeding six months.

Penalty for vexatious search or seizure.

LXVII. Any Abkaree officer, who shall, without reasonable ground of suspicion, search or cause to be searched any house, boat, or other place, or shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for any spirituous liquors or intoxicating drugs liable to confiscation under this Act, or shall vexatiously and unnecessarily arrest any person, or commit any other excess not required for the execution of his duty, shall forfeit

forfeit for such offence a sum not exceeding five hundred Rupees, which sum, or any portion thereof, may be paid to the person aggrieved.

Penalty on Abkaree officers for delay in reporting arrest, &c., or in carrying person arrested to Magistrate or Collector.

LXVIII. Any Abkaree officer who shall neglect to report the particulars of an arrest, seizure, or search within twenty-four hours thereafter, or shall delay carrying to the Magistrate or Collector, as the case may be, any person arrested, or any illicit articles seized under this Act, shall forfeit for such offence a sum not exceeding two hundred Rupees.

Penalty for conniving at escape of persons arrested, &c.

LXIX. Any Abkaree officer who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the manufacture of spirits or the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, or by any licensed person, contrary to the terms of his license, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, or the Abkaree Revenue defrauded; and any Darogah of Police or other officer invested with local jurisdiction, who shall authorize, or connive at the establishment of any unlicensed shop for the sale of such liquors or drugs as aforesaid in any place subject to his control, shall forfeit for such offence a sum not exceeding five hundred Rupees.

Penalty for asking or taking gratuities.

LXX. Any Abkaree officer who shall ask or take any unauthorized gratuity in consideration of doing or omitting to do any act in his official capacity, shall forfeit for such offence a sum not exceeding five hundred Rupees.

Adjudication of penalties and seizures.

LXXI. All forfeitures and penalties prescribed for offences against the provisions of this Act, and all seizures of goods declared liable to confiscation under this Act, shall be adjudged by the Magistrate on the information of the Collector or any Abkaree Officer. Provided that no such information shall be necessary in any case of complaint preferred to a Magistrate under any of the seven last preceding Sections or under Section XLV.

LXXII. In

LXXII. In all cases in which complaint or information is preferred to a Magistrate of offences committed against this Act, not being cases in which persons are sent in custody by a Collector or Abkaree officer, the Magistrate shall issue a summons requiring the attendance of the person accused. The rules contained in the Regulations and Acts in force, for the trial of cases before a Magistrate, and for appeal against orders passed by a Magistrate, shall be applicable to trials under this Act. Provided that no complaint or information of an offence against this Act shall be admitted, unless it be preferred within the period of six months after the commission of the offence to which the complaint or information refers.

Procedure in cases other than those of persons sent in custody by a Collector or Abkaree Officer.

LXXIII. Whenever any person shall be convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding six months; and a like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

Punishment on second or subsequent conviction.

LXXIV. Every person who shall be imprisoned under the last preceding Section, or on account of the non-payment of any sum forfeited under this Act, if the offence of which he has been convicted be one with respect to which the information of the Collector or an Abkaree Officer is required by Section LXXI, shall be confined in the Civil Jail.

Confinement in Civil Jail.

LXXV. All goods and chattels adjudged to confiscation, except opium, shall be disposed of by the Collector by public sale. Opium seized and confiscated shall be sent for examination to the Civil Surgeon of the station, and, if declared by him to be fit for use, shall be transmitted to the Government factories, or otherwise disposed of in such manner as the Board of Revenue shall direct. If declared to be unfit for use, it shall be immediately destroyed.

Disposal of confiscated goods.

LXXVI. One-half

LXXVI. One-half of all fines and forfeitures levied from persons convicted of the unlawful manufacture of spirits, or of the unlawful sale or possession of spirituous or fermented liquors or intoxicating drugs, and one-half of the proceeds from sale of all confiscated articles except opium, and in the case of opium confiscated and declared by the Civil Surgeon to be fit for use, a reward of one rupee eight annas for each seer, shall, upon adjudication of the case, be awarded to the officer or officers who apprehended the offender; and the other half of such fines and forfeitures, and the other half of the proceeds of sale, or in the case of opium as aforesaid, a reward of one rupee eight annas for each seer, shall be given to the informer If in any case the fine or forfeiture is not realized, the Board of Revenue may grant such reasonable reward, not exceeding the sum of two hundred Rupees, as may seem to them fit, and the said Board may direct by general order what classes of Abkaree officers shall receive rewards, and what classes shall have no title to share therein

Disposal of fines, &c, as rewards

Rewards where no fine is realized

LXXVII. All fines and forfeitures levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Revenue may appropriate any portion thereof, not exceeding one-half, for rewarding informers, or for compensating persons subjected to annoyance or injury by any proceedings under this Act.

Fines undisposed of to belong to Government

Special rewards to informers

LXXVIII. All orders passed by a Collector under this Act shall be appealable to the Commissioner in the usual manner, under the laws and regulations in force relative to appeals from the orders of Collectors.

Appeals from orders and sentences passed under this Act.

LXXIX It shall be lawful for the Collector, with the sanction of the Board of Revenue, to let in farm, for any period not exceeding five years, the duties leviable on the retail sale of spirituous or fermented liquors, or intoxicating drugs, or any description of such liquors or drugs, in any pergunnah or other known division of a district.

Collector with the sanction of the Board of Revenue may farm out the duties leviable on the sale of spirits, &c, except opium

LXXX. The

LXXX. The Board of Revenue may prescribe rules for the invitation and acceptance of tenders for such farms and for the requisition of security for the due fulfilment of the engagements entered into by the farmers. The said Board may also regulate the form and conditions of lease; and any breach of those conditions shall render the lease liable to annulment.

Board of Revenue to regulate invitation and acceptance of tenders for such farm.

LXXXI. When the duties leviable on any of the articles above enumerated are let in farm, the farmer shall be at liberty to make his own arrangements with the manufacturers and vendors within the limits of his farm; and all the penalties and forfeitures prescribed by this Act, for the unlawful manufacture, sale, or possession of any such article, shall be incurred by all persons manufacturing, selling, or possessing the same without license or authority from the farmer.

The farmer to make his own arrangements with the manufacturers and vendors within the limits of his farm.

LXXXII. Provided always, that every such farmer shall be required to file in the Collector's office a list of all the licenses granted by him in such form as may be prescribed by the Board of Revenue. Provided also, that it shall be lawful for the Collector, with the sanction of the said Board, before entering into engagements for any such farm, to make such reservations or restrictions with respect to the grant of licenses as may be deemed proper and expedient.

List of licenses granted by farmer to be filed

Restrictions with respect to grant of licenses.

LXXXIII. The Collector may, with the sanction of the Board of Revenue, cancel any lease granted under this Act; or, within the period of the lease, impose any new restriction on the farmer. If a lease be cancelled for any cause other than a breach on the part of the farmer of the conditions of the lease, or if any reservation or restriction with respect to the grant of licenses be imposed within the period of the lease, the farmer shall be entitled to receive such compensation for any loss which he may sustain thereby as the Board of Revenue shall think just and proper.

Lease may be cancelled.

Compensation to farmers in certain cases.

LXXXIV. The

LXXXIV. The Provisions of Section XLII of this Act shall be applicable to any arrear that may be due from any farmer of Abkaree Revenue; and every such farmer shall be authorized and empowered to use the same means and processes for the recovery of any arrear of tax or duty due to him from any authorized vendor, which may be lawfully used by zemindars and farmers of land for the recovery of arrears of rent due to them from their under-tenants.

Recovery of arrears of tax or duty from or by farmers.

LXXXV. Within the limits of any Military Cantonment, and within a circle drawn at a distance of two miles, or such other distance as may in any case be prescribed by Government, from such limits, licenses for the manufacture of spirits and for the sale of spirituous and fermented liquors shall not be granted, nor shall the duties leviable upon such spirits and liquors be let in farm, otherwise than with the knowledge and consent of the Commanding Officer: and upon the requisition of such Officer, any license which may have been granted, either by the Collector or by a farmer, within such circle or limits, shall be immediately withdrawn.

Rules respecting the manufacture and sale of spirits, &c., in Military Cantonments.

LXXXVI. In all other respects, the foregoing provisions of this Act shall have full force and effect within such circle and limits as aforesaid. Provided, however, that, when arrest or search is to be made within the limits of any Cantonment, the Collector or other officer authorized under this Act to make arrest or search shall, whenever it may be practicable, give previous notice to the Commanding Officer, and in all other cases shall report the arrest or search to such Commanding Officer with as little delay as possible. Provided also, that nothing herein contained shall affect or interfere with the provisions of Act XVIII of 1853.

Mode of making arrest or search within Military Cantonments.

LXXXVII. In the districts in which the poppy is cultivated on account of Government, the Deputy Opium Agents and Sub-deputy Agents shall exercise the powers vested by this Act in Collectors, so far as the same relate to the suppression of illegal dealings in opium; and the officers of the Opium Department shall exercise

Powers vested in officers of the Opium Department

exercise the powers vested by this Act in Abkaree officers for the seizure of illicit opium and the arrest of persons found in possession thereof, and in respect to such seizures and arrests, shall be held and deemed to be Abkaree officers within the meaning of this Act

Provisions not applicable to the Town of Calcutta.

LXXXVIII. Nothing in this Act relating to the grant of licenses for the sale of spirituous and fermented liquors and intoxicating drugs, and the recovery of arrears of tax or duty due under such licenses, to the illicit sale, carrying, or possession of spirituous and fermented liquors and intoxicating drugs, and the penalties incurred thereby, and to the appointment, duties, and responsibilities of Abkaree officers, shall extend to the Town of Calcutta; but, with respect to all such matters, the provisions of Act XI of 1849 shall continue in full force and effect as if this Act had not been passed.

Saving of provisions of Act XI. 1849.

Commencement of Act

LXXXIX. This Act shall commence and have effect from and after the first day of February 1857.

Construction.

XC. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

"Government."

The word "Government" shall mean the Lieutenant Governors of Bengal and of the North-Western Provinces.

"Board of Revenue."

The expression "Board of Revenue" shall mean the Board of Revenue in Calcutta and the Sudder Board of Revenue at Agra.

"Commissioner."

The word "Commissioner" shall mean the Commissioner of a Revenue Division, or a Commissioner of Abkaree.

"Collector."

The word "Collector" shall include a Deputy Collector, or other Revenue officer in independent charge of a district, and a Superintendent of Abkaree Revenue.

The

"Magistrate." The word "Magistrate" shall include a Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, and any Assistant or Deputy Magistrate with special powers, stationed at a place other than the sudder station of the Magistrate and empowered to try cases without reference from the Magistrate.

"Country Spirit." The expression "Country spirit" shall mean any spirit made by the native process of distillation.

"Intoxicating drugs." The expression "intoxicating drugs" shall include ganjah, bhang, churrus, and opium, and every preparation and admixture of the same.

Number. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

FORM OF BOND UNDER SECTIONS IX AND XVI.

Know all men by these presents, That we are jointly and severally held and firmly bound unto the East India Company, in the sum of Company's Rupees to be paid to the said East India Company; for which payment well and truly to be made, we jointly and severally bind ourselves, and each of us binds himself and each and every one of our respective heirs, administrators, and representatives by these presents,

Sealed with our seals.

Dated this *day of* 18

Whereas the above bounden are justly and truly indebted to the East India Company in the sum of Company's Rupees being the amount of duty payable to the East India Com-

pany, at the rate of one rupee per imperial gallon London-proof, for gallons of [*or for gallons of proof spirit used in the preparation of dozens of bottles or gallons of cordials and liquors as specified in the annexed Schedule*] manufactured at which the said ha been allowed to remove thence for exportation by sea subject to the provisions of Act. XXI of 1856 without having paid the amount of such duty. Now the condition of this obligation is such that, if the above-bounden his or their heirs, executors, administrators, or representatives, or some or one of them, do and shall, at the expiration of four calendar months from the date of this obligation, well and truly pay or cause to be paid to the said East India Company duty at the rate of one Rupee per imperial gallon of proof spirit for all or any portion of the above-mentioned which shall not have been then exported by sea, subject to the aforesaid provisions (of which exportation, if any due proof shall be given) or passed for local consumption on payment of duty, then this obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered
in the presence of

(*If the bond be for cordials and other liquors under Section XVI, add*)

SCHEDULE.

Description of Cordials and Liqueurs.	Quantity in bottles or gallons.	Quantity of proof spirit.

BENGAL SECRETARIAT LIBRARY

ACT No. XXII of 1856.

Passed by the Legislative Council of India.

(Received the assent of the Governor General on the 5th December 1856.*)*

An Act *for establishing a Toll on Boats and Timber passing through the Kurratiya river in the district of Bogra.*

Preamble.

Whereas it is expedient, with a view to afford facilities for the internal commerce of the Districts of Dinagepore, Rungpore, and Bogra, to adopt measures for the improvement of the navigation of that part of the Kurratiya river, which lies within the district of Bogra, and whereas any measure which may be adopted for this purpose will necessarily occasion a considerable outlay at the first, and an annual expense thereafter, and it is just and reasonable that, to defray the same, a moderate toll should be levied on all boats, timber, rafts, and floats, passing through or within such part of the said river; and whereas it is expedient to encourage individual enterprise, and the employment of private capital on works of public utility: It is enacted as follows:—

Tolls may be levied on the Kurratiya.

I. Tolls, at the rates specified in the Schedule annexed to this Act, may be levied on all boats, timber, rafts, and floats, passing through or within the aforesaid part of the Kurratiya river, at such stations or places as the Lieutenant Governor of Bengal may from time to time appoint. The said tolls shall be levied by such persons, and under such rules, as the said Lieutenant Governor may direct; and all such rules shall be duly notified in the English and Vernacular Gazettes for public information.

II. Provided

But not till measures have been taken for improving the navigation.

II. Provided that no such toll shall be levied until the Lieutenant Governor of Bengal shall be satisfied, by the report of a competent person, that effective measures have been taken to render the passage through the said part of the Kurratiya river navigable throughout the year. Provided, also, that the levy of the said tolls shall be continued only so long as the passage is kept so navigable.

Boats, &c., may be detained and sold for non-payment of toll.

III. Any person duly appointed or authorized to collect the said tolls may detain any boat, timber, raft, or float, for which the toll chargeable under this Act is not paid; and, on the report of such person, which report shall be made within twenty-four hours, the Deputy Collector of Bogra, or other public officer duly authorized by Government in that behalf, may publish a notice appointing a day for the sale of the same. At or after the time appointed by the notice, which shall not be less than fifteen days from the date of the publication thereof, if the toll be not paid, or sufficient cause for non-payment be not shown to the satisfaction of the Deputy Collector or other officer as aforesaid, such officer may sell the thing detained, or, in the case of a boat, such part of the tackle or lading thereof, or, in the case of a raft or float, such part of the same as may be necessary for the recovery of the toll, and shall pay the overplus, if any, to the owner on demand.

Penalty for unlawful detention

IV. Any person who, under color of this Act, shall unlawfully detain any boat, timber, raft, or float, or shall neglect, or without lawful excuse delay, to report the detention of any boat, timber, raft, or float, to the Deputy Collector or other officer as aforesaid, or shall demand or receive as toll any larger sum than is authorized by the Schedule annexed to this Act, shall, on conviction before a Magistrate, or other officer exercising the powers of Magistrate, forfeit a sum not exceeding two hundred Rupees.

Government may authorize any person to carry out objects of Act.

V. For the purpose of carrying out the objects of this Act, the Lieutenant Governor of Bengal may authorize any public officer to cut any canal, clear and deepen any channel, stop any water-course, or take any other measures which may be judged

judged necessary for making the river navigable as aforesaid, or may grant the like authority to any private person who may undertake to carry out those objects at his own expense; and may take possession, as for a public purpose, of any land that may be necessary for the execution of any of the above mentioned works, under the provisions of Regulation I of 1824, or of any Act that may hereafter be in force for taking possession of land for public purposes, whether the said works are to be executed at the expense of Government, or of such private person as aforesaid.

And may make a grant of the tolls.

VI. If the Lieutenant Governor shall grant authority to any private person to carry out the objects of this Act at his own expense, he may also make a grant of the said tolls to such person upon such conditions and for such a term as to the said Lieutenant Governor shall appear just and proper, and may authorize such person, or any person or persons employed by him, to collect the said tolls.

SCHEDULE

Of tolls chargeable on boats, timbers, rafts, and floats, passing into or through the Kúrratiya river within the district of Bogra.

Budgerows, Bauleahs, and other Boats for personal accommodation.	4 annas per oar.
Boats of burthen, empty.....	At the rate of 2 annas per 100 mds. burthen.
Ditto Ditto laden with bricks, tiles, and earthen-ware; straw, grass, reeds, and fire-wood; fruit and vegetables	At the rate of 4 annas per 100 mds. burthen.
Ditto Ditto with grain, pulse, seeds, and any other article not expressly enumerated.....	At the rate of 12 annas per 100 mds burthen.

Timbers

Timbers in rafts or otherwise, not being in boats, 2 annas each timber.

Bamboos in floats, 4 annas per 100 bamboos.

Every boat less than 50 maunds burthen shall be rated as 25 maunds—every boat of 50 maunds and less than 75 maunds shall be rated as 50 maunds—every boat of 75 maunds and less than 100 maunds shall be rated as 75 maunds—every boat of 100 maunds and less than 125 maunds shall be rated as 100 maunds, and so on.

Any number of bamboos less than an even hundred shall be rated as 100.

ACT No. XXIII of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 5th December 1856.*)*

AN ACT *for the better recovery of arrears of Revenue under Ryotwar Settlements in the Madras Presidency.*

Preamble.

WHEREAS doubts have arisen whether the provisions of Section XXXVIII Regulation XXVIII. 1802 of the Madras Code are applicable to lands under Ryotwar Settlements: It is enacted as follows:—

Section XXXVIII Regulation XXVIII. 1802 applicable to lands under Ryotwar Settlements.

I. The collection of the Government Revenue, due on account of lands under settlement direct with the ryots, shall be deemed a Khas collection on the part of Government within the meaning of Section XXXVIII Regulation XXVIII of 1802.

Recovery of past arrears.

II. All past arrears of such Revenue shall be collected according to the provisions of this Act; and every Collector and other Revenue Officer is hereby indemnified for any thing heretofore done for the recovery of arrears of such Revenue in accordance with the provisions of the said Section XXXVIII Regulation XXVIII of 1802.

ACT No. XXIV of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 19th December 1856.)

AN ACT *to provide for the dissolution of the Bengal Mariners' and General Widows' Fund Society, and the distribution of the funds belonging thereto*

Preamble.

WHEREAS, by articles of agreement dated the 12th day of May 1820, a Society was established for raising a Fund called "The Bengal Mariners' and General Widows' Fund," the interest, dividends, and proceeds of which Fund are thereby directed to be applied in making provision at certain specified rates for the widows and children of the subscribers or their nominees; and it is thereby declared that such provision shall be made solely out of the interest and dividends of the said Fund and whereas a petition has been presented to the Legislative Council by certain directors, members, and beneficiaries of the Society, stating that the said interest, dividends, and proceeds have for many years been insufficient to make the provision intended by the articles of agreement, and that the reduction of the pensions is so great as to amount to a disappointment of the expectations of the founders of the Fund, and virtually a failure to accomplish the object of the Fund; and praying that an Act may be passed to wind up the affairs of the said Society; and whereas no provision is made in the deed for the dissolution of the said Society and the distribution of the Funds belonging thereto, and it is expedient to make provision for the same by law It is enacted as follows.—

Supreme Court, on petition, may make order for dissolving the Society and winding up the affairs of the Fund

I. On the petition to the Supreme Court of Judicature at Fort William in Bengal, of a majority of the Directors of the said Bengal Mariners' and General Widows' Fund, or of any ten Members of the Society and Pensionaries on the said Fund, praying for the dissolution of the said Society, and the winding up of the affairs of the said Fund, it shall be lawful for the said Supreme Court to make order for the same on the said petition,

as fully as if the petitioners proceeded by Information or Bill, and as if there were parties defendants; and as fully as if the Deed of the said society provided for the winding up of the said Fund · and it shall be lawful for the said Court to make order for ascertaining and declaring the rights which attach on the said Fund, and for taking the accounts of the said Fund, and for the apportionment, division, and distribution of the said Fund; and for the ascertainment of the nature and number of the different claims on the said Fund, and of the persons having or entitled to make the said claims; and for the payment of the proper costs of the Directors of the said Society, and of all parties conducting or otherwise concerned in the matter of the said petition and subsequent proceedings for winding up the said Fund.

Employment of accountant or actuary

II It shall be lawful for the Court, in such way as they may think fit, to obtain the assistance of an accountant or actuary the better to enable the Court to determine any matter relating to the division and distribution of the Fund, and to act upon the certificate of such person, and in case it shall be deemed necessary to make any reference to the Master in Equity of the said Court in the matter of such petition, it shall be lawful for the said Court to order that the Master in Equity shall be at liberty in like manner to obtain the assistance of an accountant or actuary

Court may order payment to persons consenting to commute their pensions.

III In the cases of pensioners or persons entitled to become pensioners who shall consent to commute their pensions, it shall be lawful for the Court to order that the amounts to be paid in commutation shall be settled, invested, or paid, in such manner as will give the several persons therein interested the full benefit thereof.

A sufficient sum to be set apart for payment of uncommuted pensions

IV In the cases of pensioners or persons entitled to become pensioners, who shall refuse to commute their pensions, it shall be lawful for the Court to order a sufficient sum to be set apart out of the said Fund to provide for the due payment of such pensions. The said Court may also sanction and give effect to any arrangement which it may deem just and sufficient for the future payment of any commuted sum or uncommuted pensions, by any Life Insurance Company willing to undertake the payment of such pensions

V. The

V The guardians of minors pensioners, and of minors, if any, entitled to become pensioners on the said Fund, shall have full power and authority to consent on their behalf to commute the pensions of the minors for a fixed sum. and the said Court shall have full power and authority to give effect to such consent, and to make such order as the said Court may deem just for the application of the said commuted sum for the future benefit of the infant; and if there be no guardian, the mother, during her widowhood, may act as guardian, unless the Court shall otherwise order; and, if necessary, the Court may appoint a guardian for any minor

Guardians of minors.

VI In dividing and distributing the funds of the Society, every part thereof which shall not be awarded by the Court to members or representatives of deceased members, may, if the Court shall think fit, be applied for the benefit of pensioners or persons entitled to become pensioners, whether they shall consent to commute their interests or not.

Application, for the benefit of pensioners, of funds not awarded to members, or representatives of deceased members.

VII With a view to expedite the distribution of the surplus of the said Fund, over and above what may probably be necessary to provide for the pensions, the said Court shall have full power and authority at any time to order payment of a dividend of the said probable surplus, to the persons entitled to the same, although the exact surplus and the exact amount of charges may not then be ascertained.

Court may order payment of dividend out of probable surplus

VIII For the purpose of winding up the said Fund, and finally closing the accounts thereof, the like proceedings shall be had for the bringing in of claimants on the said Fund, as in ordinary administration suits for bringing in creditors and other persons, and claimants being pensioners or entitled to be pensioners, who may neglect to come in, in a due course, or within the time limited for that purpose, shall be deemed to have consented to commute their pensions, and a final distribution may be made of the said Fund.

Proceedings for bringing in claimants

ACT No. XXV OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 19th December 1856.)

AN ACT *to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.*

Preamble

WHEREAS it is expedient to comprise in one Act the provisions necessary for the assessment and collection of certain rates and taxes to be imposed by special Acts for the Towns of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca, for raising funds for Municipal purposes, It is enacted as follows :—

Application of Act.

I. The provisions of this Act, save so far as they may be expressly varied or excepted by the special Act for any of the said Towns or for the said Settlement, shall apply to the assessment and collection of the rates and taxes imposed by such special Act, and to the Commissioners appointed thereby for the conservancy and improvement of such Town or of any station of the said Settlement, and such special Act and such provisions of this Act as shall not be expressly varied or excepted by the special Act, shall be construed together as forming one Act

Appointment of officers.

II The Commissioners may from time to time appoint such officers as they shall think necessary and proper to assist in the execution of this and the special Act, and may from time to time remove any of such officers, and appoint others in their places, and may, with the sanction of the local Government, pay such salaries and allowances to the said officers respectively as the Commissioners shall think

 reasonable

reasonable. Provided that no person shall be appointed to, or removed from any office, the monthly salary of which exceeds two hundred Rupees, without the sanction of the Local Government

Assessment upon annual value of property

III The rate or rates imposed upon houses, buildings, and lands according to the annual value thereof in any of the said Towns or in the said Settlement by the special Act shall be assessed in the manner hereinafter provided.

Annual value how to be ascertained.

IV. The estimated gross annual rent at which the houses, buildings, and lands liable to the rate might reasonably be expected to let from year to year shall, for the purposes of the rate, be held and deemed to be the annual value of such houses, buildings, and lands The value of a house or building so estimated shall not include the value of any machinery contained therein

Valuation to be made and entered in a book

V. For the purpose of such assessment as aforesaid, the Commissioners shall from year to year cause a valuation to be made of all houses, buildings, and lands liable to the rate Such valuation, estimated as is hereinbefore provided, shall be entered in a book to be kept at the Office of the Commissioners, wherein shall also be written in distinct columns the name of the owner of the property, or, if the occupier, and not the owner, is the person liable to pay the rate, the name of the occupier; a designation of the property either by name or number sufficient to identify the same, together with the name of the street or district in which such property is situate, and the amount of the rate assessed thereon.

Description of owner or occupier if name unknown

VI When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said book, and also in any notice or other proceeding under this Act, as "the owner" or "the occupier" of the property on which the rate is assessed without further description

Returns may be required for purpose of valuation.

VII In order to enable the Commissioners to arrive at a fair valuation of any houses, buildings, or lands liable to the rate, it shall be lawful for the Commissioners to require the owner or occupier of such houses, buildings, or lands to furnish

furnish them with returns of the rent or annual value thereof; and for the like purpose, it shall be lawful for the Commissioners, or any person or persons appointed by them for that purpose, at any time to enter and inspect such houses, buildings, or lands after having given forty-eight hours' previous notice of such their intention to the occupier thereof, and whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return; and whoever hinders, obstructs, or prevents, any one of the Commissioners, or any person appointed by them as aforesaid, from entering or inspecting any such houses, buildings, or lands, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

Power to enter houses, &c.

VIII. When the valuation has been completed, the Commissioners shall give public notice thereof, and of the place where the said book containing the valuation and the rate assessed, or a copy of the said book, may be inspected, in the *Government Gazette* (if any), and by advertisement in some newspaper circulating within the Town or station, and also by placards posted up in conspicuous places throughout the same; and the person in whose custody such book may be shall permit every person claiming to be the owner or occupier of property included in the assessment, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee; and any such person who wilfully neglects or refuses to permit the same, shall be liable, on conviction before a Magistrate, to a penalty of fifty Rupees.

Public notice of valuation to be given.

IX. The Commissioners shall, at the time and in the manner in the preceding Section mentioned, give public notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time assessed or in which the valuation of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All complaints against such valuation and assessment shall be made on or before the day fixed in the notice; and all complaints so made shall be enquired into by the Commissioners, and such amendments shall thereupon be made in the said book as to the Commissioners shall appear just and proper.

Notice of time of revising assessment.

X. After

X. After the complaints have been enquired into and after the revision of the valuation and assessment has been completed, the amendments made in the said book shall be authenticated by the signatures of two of the Commissioners, who shall at the same time certify under their signatures that no valid objection has been made to the valuation and assessment in the said book entered, except in the cases in which amendments have been made as shown therein, and thereupon, and subject to such alterations and amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole year in and for which the assessment is made, and such year shall commence on the 1st day of January.

After revision, assessment book to be signed.

Rate assessed to be deemed the rate for the whole year

XI Provided always, that the Commissioners, upon the representation of parties or other information, may at any time amend the said book by inserting therein the name of any person whose name ought to be so inserted, or any property liable to the rate, or by striking out the name of any person or any property not liable to the rate, or by reducing the amount of the rate · and in all cases in which any property is inserted as liable to the rate, the amendment shall be considered to have been made at the time when the person interested first received notice thereof.

Alteration or amendment of assessment

XII It shall not be necessary to prepare a new book every year, but the Commissioners may adopt the valuation and assessment contained in the book for the preceding year, with such alterations as may, in particular cases, be deemed necessary, as the valuation and assessment for the year following. Provided always, that public notice of such valuation and assessment shall be given in the manner prescribed in Section VIII of this Act; and the provisions of the said Section and of the three following Sections shall be applicable to the said valuation and assessment, and to the book or books in which it is contained.

New assessment book need not be prepared yearly.

Proviso

XIII The taxes imposed upon vehicles and animals in any of the said Towns or in the said Settlement by the special Act, shall be assessed in the manner hereinafter provided

Taxes upon vehicles and animals.

XIV. The

XIV. The Commissioners shall, from time to time, cause to be prepared and entered in distinct columns in a book to be kept at the Office of the Commissioners and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of such taxes, a description of the vehicles and animals in respect of which they are liable, and the amount of the taxes assessed thereon.

List of persons liable to the tax to be entered in a book.

XV. In order to enable the Commissioners to make such list, the Commissioners, or any Officer authorized by them, may send to all persons supposed to be liable to the payment of such taxes a schedule to be filled up with such information respecting the vehicles and animals kept by them as the Commissioners may judge necessary for the assessment of the taxes. The schedule shall be filled up in writing and signed, and dated, and returned to the Office of the Commissioners by every person to whom it is sent, whether or not liable to the payment of such taxes; and whoever refuses, neglects, or omits, duly to fill up and return such schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

Returns may be required for purpose of making list.

XVI. The Commissioners may summon any person supposed to be liable to the payment of such taxes, or any servant of such person, and may examine such person or his servant as to the number and description of the horses and carriages in respect of which such person is liable to be assessed. If the person summoned shall, without lawful excuse, fail to appear in pursuance of the summons, or shall refuse to answer any lawful question of the Commissioners, or knowingly give an incorrect answer, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

Power to summon persons liable to the payment of the taxes.

XVII. Appeals against any rate or tax assessed under the provisions of this or the special Act, shall be heard and determined, in the Towns of Calcutta and Madras by two Magistrates, in the Town of Bombay by the Court of Petty Sessions, and in the said Settlement by Her Majesty's Court of Judicature. But no such appeal shall be heard unless the amount of the rate or tax has been desposited with the Com-

Hearing of appeals.

missioners; and no appeal against a rate assessed by the Commissioners under Section X shall be heard, unless complaint has been previously made to the Commissioners as hereinbefore provided. The mode of proceeding in such appeals shall be the same as that prescribed for the determination of matters referred to two Magistrates by Act XIV of 1856, or as near thereto as may be Provided that such Magistrates, and such Court of Petty Sessions, may, if they shall think fit, state a case for the opinion of the Supreme Court.

Time of appeal

XVIII. Every such appeal shall be commenced within ten days after the accrual of the cause of complaint; which shall, in respect of any rate, be deemed to accrue on the date of the certificate of the Commissioners in the said book, or, in case of any subsequent amendment of the said book under the provisions of Section XI, upon the receipt by the person aggrieved of notice of such amendment; and in respect of any tax the cause of complaint shall be deemed to accrue upon the receipt by the person aggrieved of a bill for the sum claimed from him.

Assessment by Commissioners when to be final.

XIX The assessment by the Commissioners of any rate or tax, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under Section XVII, shall be final and conclusive.

Form of bill to be presented.

XX. When any rate or tax is due, the Commissioners shall cause to be presented to the person liable to the payment thereof a bill for the sum due, which shall also contain a statement of the period and a description of the property or thing for which the rate or tax is charged. If the bill be for any tax, it shall also contain a notice of the time within which an appeal against such tax may be preferred.

Notice of demand.

XXI. If the bill is not paid by the person liable to pay the same within five days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand in the form (A) contained in the Schedule to this Act, or to the like effect; and if he shall not, within five days from the service of such notice of demand, pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the Commissioners, and if no appeal shall have been preferred, such sum with all costs may be levied by distress and sale of the

Distress.

of the goods and chattels of the defaulter, or if the defaulter be the occupier of any house, building, or land in respect of which a rate is due, by distress and sale of any goods and chattels found on the premises, under a warrant in the form (B) in the schedule, or to the like effect, to be issued for that purpose by the Commissioners.

Inventory—notice of distress.

XXII. The officer charged with the execution of the warrant of distress shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a notice in writing, in the form (C) contained in the Schedule annexed to this Act, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

Sale.

XXIII. If the warrant is not in the meantime discharged or suspended by the Commissioners, the goods and chattels seized shall be sold under the orders of the Commissioners, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The fees payable upon distraints under this Act shall be such as are set forth in the Table of Fees in the said Schedule.

Fees.

Goods of defaulter wherever found may be distrained.

XXIV. The goods and chattels of any person from whom any rate or tax is due may be distrained, wherever the same may be found, for default in the payment of the money due from such person.

Rate due from owner may be recovered from occupier and deducted by him from his rent.

XXV. If the sum due on account of any rate from the owner of any house, building, or land remains unpaid, after notice of demand has been duly served, the Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises; and, in such case, the occupier may deduct from the next and following payments of his rent the amount which may be so paid by or recovered from him. Provided that no arrear of rate which has remained due from the

the owner of any house, building, or land, for more than one year, shall be so recovered from the occupier thereof

Distress not unlawful for want of form.

XXVI. No distress levied by virtue of this or the special Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity, may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Commissioners may sue instead of proceeding by distress.

XXVII. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the sum due in respect of any rate or tax, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction

Service of notices.

XXVIII. Every notice, schedule, summons, or notice of demand regarding any assessment, rate, or tax, or any money due in respect of the same, may be served personally upon the person to whom the same is addressed, or be left at his usual place of abode with some adult male member or servant of his family, or, if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the Town or Station, every such notice, summons, or notice of demand shall be deemed to be duly served if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

Proviso

Assessment, not to be impeached if the directions of the Act are in substance complied with.

XXIX. No assessment and no charge or demand of rate or tax, made under the authority of this or the special Act, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax or in the description of any property or thing liable to rate or tax or any mistake in the

the amount of assessment, provided the directions of this Act and of the special Act be in substance and effect complied with; and no proceedings under this or the special Act shall be quashed or set aside for want of form in any Court of Justice.

Obstruction of Commissioners or their servants.

XXX. Whoever wilfully obstructs or molests the Commissioners, or any of them, or any of their officers or servants, in the performance of their respective duties under this Act, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty Rupees.

Penalty on officer taking fees or being interested in contracts.

XXXI. Every officer employed by the Commissioners to assist in the execution of this and the special Act, who accepts, or obtains, or attempts to obtain, any fee or gratuity whatsoever, other than his authorized salary or allowances, for doing or forbearing to do any official act; or who shall be in any wise concerned or interested in any bargain or contract made by the Commissioners, shall be removed from his office, and shall be incapable of being afterwards employed by the Commissioners, and shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees.

No action to be brought against Commissioners or their officers until after one month's notice of cause of action.

XXXII. No action shall be brought against the Commissioners, or any of their Officers, or any person acting under the direction of the Commissioners, for any thing done or intended to be done under the powers of this or the special Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners, or at the place of abode of such person, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action, except such as is stated in the notice so delivered; and unless such notice be proved, the Court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given shall, before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought;

and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Commissioners to publish annual statements.

XXXIII. The Commissioners shall, as soon after the first day of January in every year as may be practicable, prepare a detailed statement showing the nature and amount of the receipts and disbursements on account of the Municipal Fund for the past year, and also a report of their proceedings during that year; and such statement and report shall be printed and published for general information. The accounts of the said funds shall be audited annually by such person as the Local Government shall appoint.

Audit of accounts.

Summary of convictions to be furnished to the Commissioners.

XXXIV. For better enabling the Commissioners to ascertain the amount of fines and penalties payable to them on account of the Municipal Fund under the provisions of Act XIV of 1856, or of the special Act, or of any other law, there shall, in every month, be furnished to them by the authority adjudicating the same, a summary of all convictions under the said Acts, or under any such other law, during the preceding month.

Mortgage of rates.

XXXV. It shall be lawful for the Commissioners, with the sanction of the Local Government, to borrow and take up at interest, on the credit of the rates and taxes imposed and levied on account of the Municipal Fund under the special Act or any other Act passed in that behalf, or of a portion of them, any sums of money necessary for defraying any expenses incurred or to be incurred by them in the execution of any such Act or of Act XIV of 1856; and for the purpose of securing the re-payment of any sums so borrowed, together with such interest as aforesaid, the Commissioners may mortgage and assign over, to the person by or on behalf of whom such sums shall be advanced, the rates and taxes or the portion of them upon the credit of which such sums shall be borrowed. Provided always, that the money borrowed under the authority of this Act shall be borrowed only for works of a permanent nature, and shall not at any time exceed

exceed in the whole ten times the average annual sum received and collected on account of the Municipal Fund.

Interpretation.

XXXVI. The following words and expressions in this and the special Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

"Magistrate."

The word "Magistrate" shall mean any Magistrate of Police acting for the place where the matter requiring the cognizance of a Magistrate arises.

"Town."

The word "Town" shall include all places within the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay.

"Station."

The word "Station" shall mean any one of the Stations of Prince of Wales' Island, Singapore, and Malacca, and the dependencies thereof.

"Owner."

The word "Owner" shall mean the person for the time being receiving the rent of the land or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such land or premises were let to a tenant.

Number.

Words importing the singular number shall include the plural number; and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include females.

"Person."

The word "person" shall include a corporation.

SCHEDULE

A

NOTICE OF DEMAND

TAKE notice that the Municipal Commissioners demand from you the sum of due from* [you] as owner *(or occupier) (here describe the property or thing upon which the rate or tax is imposed)* for the months of 185 ; and that, if the sum due is not paid into the said Commissioners' Office at or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within five days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs

(*Signature of one of the Municipal Commissioners*)

Date ————

* In the case of a demand under Section XXV state that notice of demand has been served upon the owner, and that the sum due remains unpaid

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B

DISTRESS WARRANT.

To *(here insert the name of the Officer charged with the execution of the warrant)*

WHEREAS of has not paid or shown sufficient cause for the non-payment of the sum of Rupees due for the rates *(or taxes) (or rates and taxes)* mentioned in the margin for the months of ( ) 185 , although the said sum has been duly demanded in writing from the said and five days have elapsed since the service of the notice of demand ; This is to command you

you to distrain the goods and chattels of the said *(or as the case may be, any goods and chattels found on the premises referred to)* to the amount of the said sum of Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if, within five days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of Rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said you are to certify the same to us together with this warrant.

(L. S.) *The Municipal Commissioners. And signature of one of the Municipal Commissioners.*

C

FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

TAKE notice that I have this day seized the goods and chattels specified in the above inventory for the sum of Rupees due for the rates *(or taxes)* mentioned in the margin for the months of 185 ; and that, unless you pay into the Office of the Municipal Commissioners the amount due, together with the costs of this distress within five days from the day of the date of this notice, the goods and chattels will be sold.

(Signature of the Officer executing the warrant of distress.)

Date ———

Table of Fees payable in distraints under this Act

Sum Distrained for.	Fee.	
	Rs.	As.
Under 5 Rupees, ...	0	8
5 and under 10 Rupees, ...	1	0
10 „ 15 „	1	8
15 „ 20 „	2	0
20 „ 25 „	2	8
25 „ 30 „	3	0
30 „ 35 „	3	8
35 „ 40 „	4	0
40 „ 45 „	4	8
45 „ 50 „	5	0
50 „ 60 „	6	0
60 „ 80 „	7	8
80 „ 100 „	9	0
Above 100 „	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

ACT No. XXVI OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th of December 1856.*)*

AN ACT *for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Madras.*

Preamble.

WHEREAS the provisions contained in Statute 33 Geo. III. c. 52 s. 158, and Act XXII of 1841 of the Government of India, for making and levying an assessment on houses, buildings, and grounds in the Town of Madras, and for disposing of the money thereby raised for certain Municipal purposes, are defective and insufficient, and it is expedient to provide more ample funds for the conservancy and improvement of the said Town, and to constitute Commissioners for raising and administering such funds: It is enacted as follows :—

Acts repealed.

1. The 158th Section of the Act of Parliament 33 Geo. III. c. 52, Act XXVIII of 1836, and Act XXII of 1841 of the Government of India, are repealed, except as to any assessment which shall be unpaid, and as to any proceeding for the recovery of the same which shall have been commenced, before this Act shall come into operation.

Present assessment to remain in force until revised

II. The assessment on houses, buildings, and grounds, payable under the Statute 33 Geo. III. c. 52 s. 158, and Act XXII of 1841, shall, until revised and altered under the provisions of this Act, remain in full force and effect, and shall be levied and recovered as a rate payable under this Act.

III. Act

III. Act XXV of 1856, entitled "An Act to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," is incorporated with this Act; and in construing the said Act as incorporated with this Act, the expression "the special Act" shall mean this Act, the expression "the Commissioners" shall mean the Municipal Commissioners constituted by this Act, and the expression "the Local Government" shall mean the Governor in Council of the Presidency of Fort St. George.

Act XXV of 1856 incorporated

Construction.

IV. There shall be three Commissioners for the purposes of this Act, and for the conservancy and improvement of the Town of Madras under Act XIV of 1856, who shall be appointed by the Governor in Council and shall be removeable at his pleasure.

Number, appointment, and removal of Commissioners.

V. The Governor in Council shall appoint one of the said Commissioners to be President of the Board of Commissioners.

President.

VI. The Commissioners appointed under this Act shall be styled "The Municipal Commissioners for the Town of Madras," and shall by such name be a body corporate and have perpetual succession and a common seal, and by such name shall sue and be sued.

Commissioners incorporated.

VII. The Municipal Commissioners shall meet once in every week at least. The attendance of two Commissioners shall be necessary to constitute a meeting. At a meeting of two Commissioners, on questions on which they are divided in opinion, if the President be one of them, his voice shall decide; otherwise the question shall be reserved for the decision of the three Commissioners.

Meetings of Commissioners.

VIII. The Municipal Commissioners may receive such allowances out of the funds to be raised under this Act as shall be, from time to time, fixed by the Governor in Council.

Pay of Commissioners.

Provided

Provided that the allowances for any Commissioner shall not exceed the rate of ten thousand Rupees a year, if the Commissioner holds no other appointment or occupation; or the rate of four thousand Rupees a year if he holds any other appointment or occupation.

Rate on houses, buildings, and lands.

IX. Houses, buildings, and lands in the said Town shall be liable to an annual rate, to be fixed, from time to time, by the Governor in Council, not exceeding seven and a half per cent. of the annual value of the houses, buildings, and lands subject to the rate. The rate fixed by the Governor in Council shall be published, from time to time, in the *Government Gazette*.

Mode of assessing rate.

X. The said rate shall be assessed for every year within the first quarter of the year, and shall be due and payable by the owners of the said houses, buildings, and lands, from and after the end of the said first quarter.

Exemption of Fort St George and of certain public buildings.

XI. Houses, buildings, and lands in Fort St. George, and any houses, buildings, and lands, without the Fort, occupied by Troops composing the Garrison of Fort St. George, and buildings used exclusively as places of public worship, shall not be liable to the rate.

Power to exempt small holdings.

XII. The Commissioners may exempt from assessment any house, building, or land, the annual value whereof is less than fourteen Rupees, if the same be the sole rateable property of the owner.

Remission on account of vacant Houses.

XIII. When any house or building shall have been vacant for not less than sixty consecutive days during any year, the Commissioners shall remit so much of the rate for that year as may be proportionate to the number of days the said house or building may have remained unoccupied, provided that the owner of such house or building, or his agent, shall have given notice in writing of the vacancy thereof to the Commissioners, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

XIV. A tax

XIV. A tax shall be imposed upon all carriages, carts, bandies, horses ponies, and mules, kept within the said Town, and upon all carriages, carts, bandies, horses, ponies, and mules, used upon the roads of the said Town and kept at any place not more than three miles distant from the limits thereof, at the rates specified in the annexed Schedule; and shall be payable quarterly by the owners or persons in charge of the same.

Tax on vehicles and animals.

XV. Provided that the several vehicles and animals hereinafter mentioned shall be exempt from the tax, namely—

Exemption of certain vehicles and animals.

Gun carriages and Ordnance carts and waggons.

Cavalry horses, and horses of the Mounted Police.

Horses belonging to Officers doing Regimental duty at the Presidency, at the rate of one horse for each Officer.

Conservancy carts, horses, ponies, and mules, belonging to the Commissioners.

Vehicles and animals kept for sale and not used for any other purpose, if kept by *bonâ fide* dealers in such vehicles and animals.

XVI. Every person, who may have owned or had charge of any vehicle or animal kept within the said Town for a period exceeding thirty days in any quarter, shall be liable to the whole tax for that quarter. If the period do not exceed thirty days, no tax shall be chargeable for that quarter. Provided that, when any person owning or having charge of any vehicle or animal shall transfer the same to another person, he, shall give notice thereof to the Commissioners within one week from the date of such transfer; or, if he fail to give such notice, shall be liable to the whole tax for the quarter, although the period during which he may have owned or had charge of such vehicle or animal shall not have exceeded thirty days.

What will constitute liability to the tax for a whole quarter.

Transfer of ownership.

XVII. When

XVII. When a carriage shall have been under repair at a carriage-maker's for more than thirty days in any quarter, the Commissioners shall remit so much of the tax for that quarter, as may be proportionate to the number of days the said carriage may have been under repair.

Remission of tax on carriages under repair.

XVIII. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the taxes specified in the Schedule.

Commissioners may compound with livery stablekeepers & others.

XIX. Every carriage of the description rated in the Schedule at one Rupee eight annas, kept and let out for hire within the said Town, and every cart or bandy kept and used within the said Town, and every such carriage let out for hire and used within the said Town, and every cart or bandy used within the said Town, if such carriage, cart, or bandy be kept at any place within three miles from the limits thereof, shall be registered in the Office of the Commissioners with the name and residence of the owner, and shall bear, in such manner as the Commissioners shall direct, the number of such registration. The registration shall be made and the numbers assigned annually upon such day in each year as the Commissioners shall appoint. Any person becoming possessed within the year of any such carriage, cart, or bandy, which has not been registered, may obtain registration on application to the Commissioners at their Office. When any registered carriage, cart, or bandy is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

Registry and numbering of hired carriages.

XX. Whoever keeps any such carriage, cart, or bandy required to be registered by the provisions of the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding ten Rupees, and the Commissioners

Penalty for not registering.

Commissioners, or any Officer duly authorized by them, may seize, or cause to be seized, any such carriage, cart, or bandy (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods) together with the horses, bullocks, or other animals drawing the same, and may deliver them over to the Police ; and all Police Officers are hereby required, on the application of the Commissioners, or their Officer as aforesaid, to seize and detain the same. If the carriage or other vehicle as aforesaid be not claimed, or if the fine be not paid within ten days, such carriage or vehicle, together with the animals seized with it, may be sold by auction, by order of the Magistrate, and the proceeds applied to the payment of the fine, and all costs and charges incurred on account of the detention and sale, and the overplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Municipal Commissioners.

Penalty for using upon Town roads, carriage, &c., not entered in Schedule.

XXI. If any person to whom a Schedule shall have been sent under Section XV of the incorporated Act, shall bring, or cause to be brought upon the roads of the said Town, any carriage, cart, or bandy, horse, pony, or mule, kept at any place not more than three miles distant from the limits of the said Town, without having entered the same in the said Schedule ; such person shall be liable to the penalty provided in the said Section.

Remission of tax if private carriage is not used.

XXII. Any person keeping within three miles from the limits of the said Town any carriage not required to be registered by the provisions of this Act, if he can satisfy the Commissioners that such carriage has not been used on the roads of the Town more than fifteen days in any quarter, shall be entitled to a remission of the tax for that quarter. 'Provided that, if such person have more than one such carriage, and his carriages, one with another, have been used on the Town roads more than fifteen days in the quarter, though no one of them has been used more than fifteen days, he shall be entitled to the remission for only one such carriage.

XXIII. Bills

XXIII. Bills and notices of demand may be served on persons keeping carriages beyond the limits of the Town, either in the manner provided in the incorporated Act, or by delivery of the same to the driver of the carriage, when such carrige is found within the limits of the Town.

Service of notices, &c.

XXIV. Nothing contained in this Act shall be so construed as to render liable to the said tax, any person residing and keeping any carriage, cart, or bandy, horse, pony, or mule at a distance of more than three miles from the limits of the said Town, on account of the same being brought for a temporary purpose upon the roads of the said Town; or to require that any hack carriage, cart, or bandy, belonging to any such person, and kept as aforesaid, when brought upon the roads of the said Town for a temporary purpose, should be registered.

Persons residing beyond three miles not liable for temporary use of Town roads.

XXV. All monies received by the Commissioners by virtue of this Act or of Act XIV of 1856 or of any other Act, and all monies which may be assigned by Government for purposes of conservancy and improvement in the said Town, shall constitute a fund, which shall be called "the Municipal Fund of Madras," and shall be under the direction, management, and control of the Municipal Commissioners, and shall be applied to the purposes of this Act and of the incorporated Act and of Act XIV of 1856.

Municipal Fund.

XXVI. All fines and penalties levied under this Act or the incorporated Act shall be paid to the Municipal Fund.

Certain fines to be paid to the Municipal Fund.

XXVII. This Act shall commence and take effect from and after the first of January 1857.

Commencement of Act.

Schedule

SCHEDULE.

	Rupees per quarter.
For every 4-wheel carriage on springs, drawn by two horses.....	4 8 0
For every 4-wheel carriage on springs, drawn by one horse or pony or a pair of ponies under thirteen hands	1 8 0
For every 4-wheel carriage without springs	1 8 0
For every 2-wheel carriage on springs	2 4 0
For every 2-wheel carriage without springs, cart, or bandy... ...	0 12 0
For every horse	2 4 0
For every pony under thirteen hands, or mule	0 12 0

Ponies under eleven hands and children's carriages, the wheels of which do not exceed twenty-four inches in diameter, exempt.

ACT No. XXVII of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th of December 1856.)

AN ACT *for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.*

Preamble.

WHEREAS it is expedient to make better provision for the appointment of Commissioners for the conservancy and improvement of the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca, and for assessing and levying rates and taxes for certain Municipal purposes in the said stations. It is enacted as follows :—

Act repealed.

I. Act IX of 1848 is hereby repealed, except so far as it repeals any other Act, and except as to any assessment or tax which shall be unpaid, and as to any proceeding for the recovery of the same which shall have been commenced, before this Act shall come into operation.

Present Committees and assessment continued.

II. The Municipal committees and other persons, heretofore appointed or acting under Act IX of 1848, shall carry this Act into execution until other persons shall be appointed or elected under the provisions herein contained; and the assessment and taxes payable under the said Act shall, until duly altered, respectively remain in full force and effect, and shall be levied and recovered as rates and taxes payable under this Act.

III. Act XXV

III. Act XXV of 1856, entitled "An Act to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," is incorporated with this Act; and, in construing the said Act as incorporated with this Act, the expression "the special Act" shall mean this Act, the expression "the Commissioners" shall mean the Municipal Commissioners constituted by this Act, and the expression "the Local Government" shall mean the Governor of the said Settlement.

Act XXV of 1856 incorporated.

Construction.

IV. At each of the stations of Prince of Wales' Island, Singapore, and Malacca, there shall be a Committee of not more than five persons, who shall be called respectively "The Municipal Commissioners of Prince of Wales' Island," "The Municipal Commissioners of Singapore," and "The Municipal Commissioners of Malacca," and who shall respectively by such name be a body corporate and have perpetual succession, and a common seal and by such name shall sue and be sued.

Commissioners incorporated

V. At each of the said stations, the Resident Councillor shall be one of the Municipal Commissioners, one shall be appointed by the Governor of the Settlement, and three shall be elected by the rate-payers in the manner hereinafter provided. The Resident Councillor shall be the President of the Commissioners.

Official and elected Commissioners.

VI. Every rate-payer, whose annual payment of rates under this Act shall amount to Forty Rupees and upwards, shall be qualified for election as a Municipal Commissioner for the station at which he resides and where the property for which the rates are paid is situate.

Qualification for election as a Municipal Commissioner.

VII. Every rate-payer, whose annual payment of rates under this Act shall amount to the sum of Twenty-five Rupees and upwards, shall be entitled to vote in the election of the three elective Commissioners of the station where the property for which the rates are paid is situate.

Voters' qualification.

VIII. The

VIII. The Municipal Commissioners of each station shall, previously to an election under this Act, cause to be prepared correct lists of the persons qualified to be elected and qualified to vote for the election of Commissioners; and these lists shall be published and shall be open to public inspection at the Office of the Commissioners between the hours of ten in the morning and three in the afternoon on every day (Sundays excepted) between the thirty-first of October and the day of election, when the said lists shall be taken to the place of election for the use of the Sheriff or his Deputy. The said lists may be revised or amended by the Court of Judicature of the station on the application of any person qualified to vote at any such election, provided that such application be made at least ten days before the day of election.

List of voters.

Revision.

IX. Elections under this Act shall be made on one of the first seven days of December under the superintendence of the Sheriff of the Settlement or of one of his Deputies, who shall appoint the day and place of election within each station, and shall give public notice of the same fifteen days at least before the day appointed.

Election of Commissioners.

X. The voting shall begin at the hour of ten in the morning, and shall end at the hour of five in the afternoon of the appointed day.

Time of voting.

XI. At the time and place appointed for the election, the Sheriff or his Deputy shall attend with a closed box with an opening for the reception of voting tickets. Every voting ticket shall bear the signature of the voter and the names of the persons for whom he wishes to vote.

Voting tickets.

XII. Every voter having written on his voting ticket the names of the persons for whom he wishes to vote, and having signed the same, shall personally attend at the place of election and shall deliver his voting ticket to the Sheriff or his Deputy, who, on being satisfied of the identity of the person tendering the voting ticket with the person whose signature it bears, and that the name of such person is registered in the list of persons qualified to vote, shall deposit such voting ticket in the closed box.

Manner of voting.

XIII. As

XIII. As soon as the election is completed, the Sheriff or his Deputy, in the presence of the voters or such of them as shall be present, shall ascertain the number of votes given for each person, and the Sheriff or his Deputy shall thereupon publicly declare the names of the three persons for whom the greatest number of votes has been given, and shall declare such persons to be duly elected Municipal Commissioners of the station.

Sheriff to declare who are elected.

XIV. In case any one of the persons so elected shall refuse to serve as a Municipal Commissioner, the Sheriff or his Deputy shall, immediately after such refusal, declare the name of the person for whom the next greatest number of votes has been given, and shall declare such last mentioned person to be duly elected a Municipal Commissioner in the place of the person first elected. Provided always, that no person shall be competent to be elected a Municipal Commissioner of either of the said stations unless the number of votes given in his favor shall exceed ten.

Refusal to serve

Minimum of votes requisite for election

XV. In case there shall be an equal number of votes for any two or more persons at any such election, the Governor of the Settlement, or, in his absence from the station at which such election is being made, the Resident Councillor, shall give a casting vote for one or more of such persons having an equal number of votes.

Casting vote.

XVI. In case it shall be found impracticable to obtain by election three Municipal Commissioners at any of the said stations, from refusal to act, failure of election, or otherwise, it shall be lawful for the Governor of the Settlement, or, in his absence from the station, for the Resident Councillor, to appoint some person, being a qualified rate-payer, to be a Municipal Commissioner; and such appointment shall be as valid and effectual as if the person so appointed had been elected in manner hereinbefore provided for.

Appointment in default of election

XVII. If from death, resignation, or any other cause, a vacancy shall happen before the time of a new election, it shall be lawful for the Governor of the Settlement, or in his absence from the station, for the Resident Councillor, to declare

Appointment in case of vacancy before the time of a new election

declare the person for whom, next after the elected Commissioners, the greatest number of votes was given at the last election to be a Municipal Commissioner; or if there be no person for whom the prescribed number of votes was given, to appoint some person being a qualified rate-payer.

XVIII. The names of the persons elected at every election shall be certified by the Sheriff or his Deputy to the Resident Councillor of the station, who shall cause notice thereof, together with the names of the official and appointed Commissioners, to be published in such manner as the Governor of the Settlement may direct.

Publication of the Commissioners' names.

XIX. The Commissioners at each of the said stations shall enter upon their office on the first day of January after their election and appointment, and shall hold their office for one year. Appointments to fill up vacancies shall have effect only for the remaining portion of the year within which they are made.

Tenure of office by Commissioners.

XX. The Commissioners shall hold their first meeting at such time and place as shall be fixed by their President, and their subsequent meetings at such times and places as they shall themselves appoint; and at every such meeting all questions shall be decided by a majority of votes. Three Commissioners shall constitute a quorum, and the President, or, in his absence, the Chairman, who shall be chosen by the Commissioners present, shall have a second or casting vote on all questions on which the Commissioners are equally divided in opinion.

Meetings of Commissioners.

XXI. An annual rate not exceeding ten per centum of the annual value shall be imposed upon all houses and buildings, and not exceeding five per centum upon all lands within each station, and shall be payable by the owners thereof by half-yearly instalments. The rate shall be fixed from time to time by the Governor of the Settlement.

Rate on houses, buildings, and lands.

XXII. Houses and buildings used exclusively as places of public worship or for charitable purposes, hospitals, barracks, and lines for soldiers, Courts of Justice, and Police Offices and stations, jails, and convict lines, shall not be liable to the rate.

Exemption of public buildings

XXIII. The

XXIII. The Commissioners may exempt from assessment any house, building, or land, the annual value whereof is less than twelve Rupees, if the same be the sole rateable property of the owner, or any house or hut which shall be occupied rent-free by any laborers employed at a plantation.

Power to exempt small holdings.

XXIV. When any house or building shall have been vacant for sixty consecutive days during any year, the Commissioners shall remit so much of the rate for that year as may be proportionate to the number of days the said house or building may have remained unoccupied; provided that the owner of such house or building, or his agent, shall have given notice in writing of the vacancy thereof to the Commissioners, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

Remission on account of vacant houses.

XXV. A tax shall be imposed upon all carriages, waggons, carts, and all horses, ponies, mules, and elephants kept in each of the said stations, and shall be payable quarterly in advance by the owners or persons having charge of the same at the following rates per annum, namely—

Tax on vehicles and animals

	Rupees.
For every four-wheeled Carriage on springs	 24
For every two-wheeled Carriage on springs	 18
For every Waggon drawn by man or beast	 16
For every Cart drawn by any description of Cattle	 12
For every Cart drawn by man	 8
For every horse, pony, or mule	 4
For every elephant	 20

Exemptions.

Provided that the several vehicles and animals hereinafter mentioned shall be exempt from the said tax, namely—

1. Gun carriages, and Ordnance carts and waggons.

2. Horses belonging to Officers doing Regimental duty, at the rate of one horse for each Officer.

3. Conservancy

3 Conservancy carts, horses, ponies, and mules belonging to the Commissioners.

4 All vehicles and animals kept for sale, and not used for any other purpose, provided the same be in the hands of *bonâ fide* dealers in such vehicles or animals.

5. Waggons and carts kept within estates or plantations and not used upon the public roads, having the name of the owner painted upon some conspicuous part thereof in letters not less than two inches in length, and registered at the Office of the Commissioners.

6. All animals kept within estates or plantations and not used upon the public roads.

7. Ponies under 11 hands, and children's carriages the wheels of which do not exceed 24 inches in diameter

Registry and numbering of hired Carriages

XXVI. Every carriage kept and let out for hire, and every waggon and cart kept and used within any of the said stations, shall be registered in the Office of the Commissioners with the name and residence of the owner, and shall bear the number of such registration in such manner as the Commissioners shall direct. The registration shall be made and the numbers assigned annually upon such day in each year as the Commissioners shall appoint. Any person becoming possessed within the year of any such carriage, waggon, or cart, which has not been registered, may obtain registration on application to the Commissioners at their Office. When any registered carriage, waggon, or cart is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

Penalty for not registering

XXVII. Whoever keeps within any of the said stations, any such carriage, waggon, or cart required to be registered by the provisions of the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding ten Rupees ; and the Commissioners, or any officer duly authorized by them, may seize or cause to be seized any such carriage, waggon,

waggon, or cart (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods) together with the horses, bullocks, or other animals drawing the same, and may deliver them over to the Police ; and all Police Officers are hereby required, on the application of the Commissioners or their Officer as aforesaid, to seize and detain the same. If the carriage or other vehicle as aforesaid be not claimed, or if the fine be not paid within ten days, such carriage or vehicle, together with the animals seized with it, may be sold by order of the Magistrate, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale ; and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Municipal Commissioners.

Municipal Fund.

XXVIII. All monies received by the Commissioners by virtue of this Act, or of Act XIV of 1856, or of any other Act at each of the said stations, shall form a fund which shall be called the " Municipal Fund" of the station at which the same shall have been so received ; the Municipal Fund of each station shall be under the direction, management, and control of the Municipal Commissioners of such station, who shall in the first instance appropriate such sum as may be declared by the Governor of the Settlement to be necessary for the payment and maintenance of the Police force constituted according to Section VII of Act XIII of 1856 and for the payment of the Office establishments of the Magistrate and of the Commissioner of Police (but not including the salary of any such Magistrate or Commissioner), such sum to be paid at the times and in the manner which the Governor may direct ; and shall apply the residue to the purposes of this Act and the incorporated Act and of Act XIV of 1856.

Certain fines to be paid to the Municipal Fund.

XXIX. All fines and penalties imposed, and all fees and poundage levied, by the Court of Quarter Sessions or by any Magistrate, and all tolls received at any public Ferry, shall be paid to the Commissioners of the station at which the same shall have been imposed, levied, or received, and shall be carried to the credit of the Municipal Fund of such station.

Commencement of Act.

XXX. This Act shall commence and take effect from and after the first of January 1857.

ACT No. XXVIII of 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th of December 1856.)

AN ACT *for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta.*

Preamble.

WHEREAS it is expedient to make better provision for the appointment of Commissioners for the conservancy and improvement of the Town of Calcutta, and for assessing and levying rates and taxes for Municipal purposes in the said Town; and whereas it is also expedient to provide additional funds for improving the drainage and lighting of the said Town: It is enacted as follows:—

Acts repealed.

Recovery of arrears of assessment.

I. Act X of 1852, Section L Act XII of 1852, and Act XXVIII of 1854, are hereby repealed, except so far as they repeal any other Act, and except as to any assessment made before this Act comes into operation. Any sum of money due, or which may become due, in respect of such assessment, may be levied and recovered under the provisions of this Act.

Remission of part of the last quarterly assessment.

II. And whereas the quarterly assessment last made under Act X of 1852 includes the month of January 1857, and power is given by this Act to impose a rate upon houses, buildings, and lands for a period including the same month, it is hereby enacted that one-third of the sum payable on account of the said assessment shall be remitted.

III. Act XXV

III. Act XXV of 1856, entitled "An Act to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," is incorporated with this Act; and in construing the said Act as incorporated with this Act, the expression "the special Act" shall mean this Act, the expression "the Commissioners" shall mean the Municipal Commissioners constituted by this Act; and the expression "the Local Government" shall mean the Lieutenant Governor of Bengal.

Act XXV of 1856 incorporated.

Construction.

IV. There shall be three Commissioners for the purposes of this Act, and for the conservancy of the Town of Calcutta under Act XIV of 1856. Such Commissioners shall be appointed by the Lieutenant Governor of Bengal, and shall be removeable at his pleasure.

Number, appointment, and removal of Commissioners.

V. The Lieutenant Governor of Bengal shall appoint one of the said Commissioners to be President of the Board of Commissioners.

President.

VI. The Commissioners so appointed shall be styled the Municipal Commissioners for the Town of Calcutta, and shall by such name be a body corporate and have perpetual succession and a common seal, and by such name shall sue and be sued.

Commissioners incorporated

VII. The Municipal Commissioners shall meet once at least in every week. The attendance of two shall be necessary to constitute a Meeting. At a Meeting of two on questions on which they are divided in opinion, if the President be one of them, he shall have a casting vote; otherwise the question shall be reserved for the decision of a future Meeting.

Meetings of Commissioners.

VIII. The Municipal Commissioners may receive such allowances out of the funds to be raised under this Act as shall be, from time to time, fixed by the Lieutenant Governor. Provided that

Pay of Commissioners.

that the allowances for any Commissioner shall not exceed the rate of ten thousand Rupees a year if the Commissioner holds no other appointment or occupation, or the rate of four thousand Rupees a year if he holds any other appointment or occupation.

Rate on houses, buildings, and lands.

IX. An annual rate of seven and a half per cent. of the annual value shall be imposed upon houses, buildings, and lands in the said Town, and shall be payable by the owners thereof by quarterly instalments.

Exemption of Fort William and of certain public buildings.

X. Houses, buildings, and lands situate in Fort William, on the Esplanade of the Fort, and in Cooly Bazaar, and buildings used exclusively as places of public worship, shall not be liable to the rate.

Power to exempt small holdings.

XI. The Commissioners may exempt from assessment any house, building, or land, the annual value whereof is less than twelve Rupees, if the same be the sole rateable property of the owner.

Remission on account of vacant houses.

XII. When any house shall have been vacant for sixty consecutive days during any year, the Commissioners shall remit so much of the rate for that year, as may be proportionate to the number of days the said house may have remained unoccupied; provided that the owner of such house, or his agent, shall have given notice in writing of the vacancy thereof to the Commissioners, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

Tax on vehicles and animals.

XIII. A tax shall be imposed upon all carriages, carts, hackeries, horses, ponies, and mules, kept within the said Town, and upon all carts and hackeries plying for hire within the said Town, or let for hire and used within the said Town, and kept at any place beyond the limits thereof, at the rates specified in the annexed Schedule; and shall be payable quarterly by the owners or persons having charge of the same.

XIV. Provided

Exemption of certain vehicles and animals.

XIV. Provided that the several vehicles and animals hereinafter mentioned shall be exempt from the Tax, namely :—

Gun Carriages, and Ordnance Carts and Waggons.

Cavalry Horses, and Horses of the Mounted Police.

Horses belonging to Officers doing Regimental duty at the Presidency, at the rate of one horse for each Officer.

Conservancy Carts, Horses, Ponies, and Mules belonging to the Commissioners.

Vehicles and Animals kept for sale and not used for any other purpose, if kept by *bonâ fide* dealers in such vehicles and animals.

What will constitute liability to the tax for a whole quarter.

XV. Every person, who may have owned or had charge of any vehicle or animal kept within the said Town for a period exceeding thirty days in any quarter, shall be liable to the whole tax for that quarter. If the period do not exceed thirty days, no tax shall be chargeable for that quarter. Provided

Transfer of ownership

that, when any person owning or having charge of any vehicle or animal shall transfer the same to another person, he shall give notice thereof to the Commissioners within one week of the date of such transfer, or, if he fail to give such notice, shall be liable to the whole tax for the quarter, although the period during which he may have owned or had charge of such vehicle or animal shall not have exceeded thirty days

Remission of tax on carriages under repair

XVI. When a carriage shall have been under repair at a carriage-maker's for more than thirty days in any quarter, the Commissioners shall remit so much of the tax for that quarter as may be proportionate to the number of days the said carriage may have been under repair.

XVII The

Commissioners may compound with livery stable-keepers and others.

XVII. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with Livery Stable-keepers, and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the taxes specified in the Schedule.

Registry and numbering of hired carriages.

XVIII. Every carriage of the description rated in the Schedule at one Rupee eight annas, kept and let out for hire within the said Town; and every cart and hackery kept and used within the said Town; and every cart and hackery plying for hire within the said Town, or let for hire and used within the said Town, and kept at any place beyond the limits thereof—shall be registered in the Office of the Commissioners, with the name and residence of the owner, and shall bear, in such manner as the Commissioners shall direct, the number of such registration. The registration shall be made and the numbers assigned annually, upon such day in each year as the Commissioners shall appoint. Any person becoming possessed, within the year, of any such carriage, cart or hackery, which has not been registered, may obtain registration on application to the Commissioners at their Office. When any registered carriage, cart, or hackery is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

Penalty for not registering.

XIX. Whoever keeps any such carriage, cart, or hackery required to be registered by the provisions of the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding ten Rupees; and the Commissioners, or any officer duly authorized by them, may seize or cause to be seized any such carriage, cart, or hackery (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the horses, bullocks, or other animals drawing the same, and may deliver them over to the Police; and all Police officers are hereby required, on the application of the Commissioners or their officer as aforesaid, to seize and detain the same. If the carriage or other vehicle as aforesaid be not claimed, or if the fine be not paid within ten days, such carriage or vehicle, together with the animals seized with it, may be sold

by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and all costs and charges incurred on account of the detention and sale; and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Municipal Commissioners.

Gas Contracts.

XX. The Commissioners, with the sanction of the Lieutenant Governor of Bengal, may contract with the owners of any Gas-works for lighting with Gas such of the public streets of the said Town as the Commissioners, with the like sanction, shall from time to time determine.

Lighting-rate.

XXI. To provide for the better lighting of the public streets of the said Town, an annual Lighting-rate of two per cent. of the annual value shall be imposed upon all houses, buildings, and lands in the said Town, the estimated monthly rent of which is not less than ten Rupees; and such rate shall be payable in quarterly instalments by the occupiers of such houses, buildings, and lands. The sum applicable annually to the current expenses of lighting the said streets shall be the gross proceeds of the said Lighting-rate and no more; but the Commissioners may expend out of the funds at their disposal such further sums as may from time to time be requisite for the purchase, setting up, and maintaining of lamps, lamp-posts, pipes, and other necessary apparatus.

Occupier liable to the rate for time of occupation only.

XXII. Every occupier shall be liable to the Lighting-rate for the time of his occupation; and when any person shall have been an occupier for a part only of any quarter, the Commissioners shall charge him with only so much of the rate for that quarter as may be proportionate to the number of days during which he continued to be an occupier. No such rate shall be chargeable to any person on account of any unoccupied house for the time during which it may remain unoccupied. Provided always that, when any person ceases to be the occupier of any premises liable to the rate, he shall give the Commissioners notice thereof and of the place to which he has removed, or, if he fail to give such notice, shall be liable to the rate assessed on the said premises for the whole quarter, although he may have occupied them for a part only of such quarter.

Proviso.

XXIII. When

Owner when liable.

XXIII. When any house or building, or any land, is let by the owner in apartments or portions, the owner shall be liable to pay the Lighting-rate instead of the occupier or occupiers.

Occupier sub-letting.

XXIV. When any person, who rents from the owner any house or building, or any land, sub-lets the same in apartments or portions, such person, for the purposes of the Lighting-rate, shall be held to be the occupier.

Drainage.

XXV. The Commissioners shall carry out, with as little delay as possible, such a complete system of sewerage and drainage within the said Town, as shall be directed by the Lieutenant Governor of Bengal, with the sanction of the Governor General in Council, subject to such alterations as may from time to time be ordered by the said Lieutenant-Governor with such sanction; and until such system of sewerage and drainage has been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses on the security of the rates, and interest thereon, have been repaid, shall set apart for the purposes above mentioned an annual sum not less than one hundred and fifty thousand Rupees, out of the proceeds of the rate provided by Section IX of this Act.

Drainage-rate on houses in the environs of Town.

XXVI. The Lieutenant Governor of Bengal may determine what portions, if any, of the environs of the said Town shall be included in the said system of sewerage and drainage, and may declare the boundaries thereof by notification in the *Calcutta Gazette*. An annual rate, to be fixed from time to time by the said Lieutenant Governor, not exceeding two and a half per cent. of the annual value, may be imposed upon all houses, buildings, and lands situate within the boundaries so notified, and shall be payable by the owners thereof by quarterly instalments. For the purposes of the said rate, the houses, buildings, and lands situate within such boundaries as aforesaid, shall be held and deemed to be a part of the said Town; and all the provisions of this Act and the incorporated Act, which relate to the assessment and collection of a rate payable by owners, shall have effect in respect to such rate.

XXVII. Sections

Certain provisions of Conservancy Act extended.

XXVII Sections XLIV to LX, both inclusive, of Act XIV of 1856, entitled "An Act for the conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singpore, and Malacca," shall have effect within the boundaries to be fixed under the last preceding Section, and all penalties, expenses, and compensation which, under the said Sections and by the provisions of the said Act, may be adjudged and determined by a Magistrate or by two Magistrates acting in and for the Town of Calcutta, may be adjudged and determined within such boundaries by the Magistrate having jurisdiction therein

Recovery of expenses on account of improvements to private property

XXVIII Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which, under Sections XXIV, LI, and LIII of the said Act XIV of 1856, the owners of any premises, houses, or buildings are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or if they think fit, may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon, at the rate of six per cent. per annum, within a period not exceeding five years; and such sums, when due, may be recovered by the same process by which rates may be recovered under the incorporated Act.

Water supply.

XXIX The Commissioners, under the direction of the Lieutenant Governor of Bengal, shall, with as little delay as possible, cause to be made and constructed such tanks, reservoirs, or other works, as shall be necessary to provide in convenient parts of the said Town, for the use of the inhabitants thereof, a proper supply of good and wholesome water for drinking and domestic purposes, and until such tanks, reservoirs, or other works, shall have been made and constructed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses on the security of the rates, and interest thereon, shall have been repaid, shall set apart, for the purpose above mentioned, an annual sum not less than thirty thousand Rupees, out of the proceeds of the rate provided by

by Section IX of this Act. If such supply of water shall have been provided, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses and interest thereon shall have been repaid before the complete system of sewerage and drainage mentioned in Section XXV of this Act shall have been completed, the said annual sum of thirty thousand Rupees shall be added to the annual sum of one hundred and fifty thousand Rupees directed to be set apart by the said Section XXV of this Act.

Municipal Fund.

XXX. All monies received by the Commissioners by virtue of this Act, or of Act XIV of 1856, or of any other Act, and all monies which may be assigned by Government for purposes of conservancy and improvement in the said Town, shall constitute a Fund, which shall be called the Municipal Fund of Calcutta, and shall be under the direction, management, and control of the Municipal Commissioners, and shall be applied to the purposes of this Act and of the incorporated Act and of Act XIV of 1856.

Certain fines to be paid to the Municipal Fund.

XXXI. All fines and penalties levied under this Act, or the incorporated Act, shall be paid to the Municipal Fund.

Commencement of Act.

XXXII. This Act shall commence and take effect from and after the first of January 1857.

SCHEDULE.

	Rupees per Quarter.		
For every 4-Wheel Carriage on Springs, drawn by two Horses,	4	8	0
For every 4-Wheel Carriage on Springs, drawn by one Horse, or Pony, or a pair of Ponies, under thirteen hands, ...	1	8	0
For every 4-Wheel Carriage, without Springs, ...	1	8	0
For every 2-Wheel Carriage on Springs, ...	2	4	0

For

	Rupees per Quarter.		
For every 2-Wheel Carriage without Springs, Cart, or Hackery, ...	0	12	0
For every Horse, ...	2	4	0
For every Pony under thirteen hands, or Mule, ...	0	12	0

Ponies under eleven hands, and Children's Carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.

ACT No. XXIX OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th of December 1856.*)*

AN ACT *concerning the taking of Oaths of Office by Registers of Deeds.*

Preamble.

WHEREAS it is expedient to amend the law which requires a Register of Deeds, appointed under the provisions of Act XXX of 1838, to take and subscribe the oath of office before the Judge of the Zillah; It is enacted as follows :—

Chief Civil Officer of the station to administer oath of office to Register of Deeds.

So much of Section II Regulation XXXVI. 1793 (extended to Cuttack by Section XXXII Regulation XII. 1805), of Section II Regulation XXVIII. 1795, and of Section II Regulation XVII. 1803 (extended to Bundlecund, Saharunpore, and Agra by Clause I Section XVII Regulation VIII. 1805), of the Bengal Code, as requires that a Register of Deeds shall take and subscribe the oath therein prescribed before the Judge of the Zillah, shall not apply to Registers of Deeds appointed under the provisions of Act XXX of 1838. The Chief Civil Officer of any station at which an office for the registry of Deeds may be established under the said Act, shall be competent to administer the oath of office, or a declaration substituted for such oath, to any person appointed to register Deeds at such station.

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